

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 ALFONZIA ALLEN,)
)
 Appellant.)

No. 68855-3-I
DIVISION ONE
UNPUBLISHED OPINION
FILED: December 23, 2013

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2013 DEC 23 AM 9:52

PER CURIAM—Alfonzia Allen was acquitted of second-degree assault by reason of insanity and committed to Western State Hospital. He appeals a July 6, 2012 order, dismissing his petition for final release from commitment after a jury trial in King County Superior Court Cause No. 03-1-03128-0 KNT.

Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), the motion to withdraw must:

[1] be accompanied by a brief referring to anything in the record that might arguably support the appeal. [2] A copy of counsel's brief should be furnished the indigent and [3] time allowed him to raise any points that he chooses; [4] the court—not counsel—then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous.

Theobald, 78 Wn.2d at 185 (quoting Anders, 386 U.S. at 744).

This procedure has been followed. Counsel on appeal filed a motion to withdraw accompanied by the required brief. Counsel served Allen with a copy of the brief and informed him of his right to file a statement of additional grounds for review.

Allen did not file a supplemental brief.

No. 68855-3-1/2

The material facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and has independently reviewed the entire record. The court specifically considered the following potential issue raised by counsel:

Did the trial court err when it limited cross-examination of the State's expert?

The issue is wholly frivolous. Counsel's motion to withdraw is granted and the appeal is dismissed.

FOR THE COURT:

Cox, J.

Grove

Jan, J.