

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 69237-2-I
)	
Respondent,)	
)	
v.)	DIVISION ONE
)	
DAVID M. SHIRLEY,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: OCT 7 2013

COURT OF APPEALS DIVISION ONE
 STATE OF WASHINGTON
 2013 OCT -7 AM 8:00

PER CURIAM. David Shirley appeals the trial court’s 2012 order amending his 1996 judgment and sentence. His court-appointed attorney has filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 18 L. Ed. 2d 493, 87 S. Ct. 1396 (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. Shirley’s counsel on appeal filed a brief with the motion to withdraw. Shirley was served with a copy of the brief and informed of his right to file a statement of additional grounds for review. Shirley did not file a supplemental brief.

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 issues raised by counsel:

1. Whether the trial court erred in amending the judgment and sentence to add a juvenile conviction for second degree assault to appellant's criminal history?
2. Whether the court erred in amending the judgment and sentence beyond the 60-day deadline for conditional denial of review set by the Washington Supreme Court Commissioner?
3. Whether counsel was ineffective for failing to raise other sentencing issues?

The issues raised by counsel are wholly frivolous. The motion to withdraw is granted and the appeal is dismissed.

For the court:

Cox, J.
Leach, C. J.
Spencer, J.