

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 62819-4-I
Respondent,)	
)	
v.)	DIVISION ONE
)	
AARON RYAN DAVIS,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: November 30, 2009

PER CURIAM. Aaron Davis appeals from an order amending his judgment and sentence for one count each of felony murder in the second degree while armed with a deadly weapon and robbery in the first degree. Davis's 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.

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

This procedure has been followed. Davis's counsel on appeal filed a brief with the motion to withdraw. Davis's was served with a copy of the brief and informed of the right to file a statement of additional grounds for review. He has filed

a pro se statement of additional grounds.

The 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 by amending Davis's sentence nunc pro tunc?

The court also considered the following additional issue raised by Davis in his "Pro Se Statement of Additional Grounds for Review":

Did the trial court properly understand the remand order from this court following Davis's personal restraint petition?

The issues raised by Davis and his appellate counsel are wholly frivolous.

Counsel's motion to withdraw is granted and the appeal is dismissed.

For the court:





