

IN THE UTAH COURT OF APPEALS

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State of Utah,)	PER CURIAM DECISION
)	
Plaintiff and Appellee,)	Case No. 20110196-CA
)	
v.)	F I L E D
)	(February 2, 2012)
Duane Smith,)	
)	2012 UT App 30
Defendant and Appellant.)	

Fourth District, Provo Department, 101402594
The Honorable Steven L. Hansen

Attorneys: Anthony V. Rippa, Murray; and Brook J. Sessions, Provo, for Appellant
Mark L. Shurtleff and Laura B. Dupaix, Salt Lake City, for Appellee

Before Judges McHugh, Davis, and Roth.

¶1 Duane Smith appeals his sentence after pleading guilty to a drug charge. Smith’s counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clayton*, 639 P.2d 168 (Utah 1981). The brief establishes that the issue raised is frivolous. See *Dunn v. Cook*, 791 P.2d 873, 878 (Utah 1990) (noting counsel must “objectively demonstrate” issues are frivolous). Counsel also certifies that he reviewed the record, gave the brief to Smith to review, and provided Smith the opportunity to raise additional issues for inclusion in the brief. Based upon our independent

examination of the record, we determine that the appeal is, indeed, wholly frivolous. Accordingly, we affirm Smith's sentence and grant counsel's request to withdraw.

Carolyn B. McHugh,
Presiding Judge

James Z. Davis, Judge

Stephen L. Roth, Judge