

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20040610-CA
v.)	F I L E D
)	(September 22, 2005)
Jesse Rodriguez Garcia,)	2005 UT App 406
Defendant and Appellant.)	

Second District, Ogden Department, 011904390
The Honorable Parley R. Baldwin

Attorneys: Sharon S. Sipes, Ogden, for Appellant

Before Judges Billings, McHugh, and Orme.

PER CURIAM:

Jesse Rodriguez Garcia appeals his conviction of child abuse, a class A misdemeanor in violation of Utah Code section 76-5-109(3)(a). See Utah Code Ann. § 76-5-109(3)(a) (2003). Garcia's counsel filed a brief pursuant to Anders v. California, 386 U.S. 783 (1967), and State v. Clayton, 639 P.2d 168 (Utah 1981). The brief "objectively demonstrate[s] that the issues raised are frivolous." State v. Flores, 855 P.2d 258, 260 (Utah Ct. App. 1993) (per curiam). Based upon our independent examination of the record, we determine that the appeal is, indeed, wholly frivolous. Accordingly, we affirm Garcia's conviction and grant counsel's motion to withdraw.

Judith M. Billings,
Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge