

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20050272-CA	
v.)		
)	F I L E D	
Richard Joseph Garcia,)	(November 17, 2005)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2005 UT App 500</td></tr></table>	2005 UT App 500
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Second District, Ogden Department, 041906083
The Honorable Pamela G. Heffernan

Attorneys: Randall W. Richards, Ogden, for Appellant
Mark L. Shurtleff and Joanne C. Slotnik, Salt Lake
City, for Appellee

Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

Appellant Richard Joseph Garcia appeals his conviction and sentence for two counts of distributing or attempting to distribute a controlled substance, second degree felonies. See Utah Code Ann. § 58-37-8 (2003). Garcia's counsel filed a brief in accordance with 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); see also Dunn v. Cook, 791 P.2d 873, 877 (Utah 1990) (stating an Anders brief must demonstrate any "potentially meritorious" issues are actually frivolous). Based upon our independent examination of the record, we determine that the appeal is, indeed, wholly frivolous and, accordingly, we affirm the decision of the district court and grant counsel's motion to withdraw.

Russell W. Bench,
Associate Presiding Judge

Pamela T. Greenwood, Judge

Carolyn B. McHugh, Judge