

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20060079-CA
v.	)	
	)	F I L E D
Jaden Helton,	)	(July 13, 2006)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2006 UT App 297</span>

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Second District, Ogden Department, 031904530  
The Honorable Scott M. Hadley

Attorneys: Randall W. Richards, Ogden, for Appellant

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Before Judges Billings, McHugh, and Orme.

PER CURIAM:

Defendant Jaden Helton appeals his sentence of zero to five years in the Utah State Prison. Helton entered a guilty plea to one count of driving under the influence, a third degree felony. See Utah Code Ann. §§ 41-6a-502, -503 (2005). On May 9, 2005, Helton was sentenced to an indeterminate term of zero to five years. The prison term was suspended and Helton was placed on probation. On November 29, 2005, Helton admitted to violating the terms of his probation. Based on the probation violation, Helton was subsequently ordered to serve the original indeterminate sentence.

Counsel for Helton asserts that no nonfrivolous issues exist. See Anders v. California, 386 U.S. 738, 744 (1967); State v. Clayton, 639 P.2d 168, 169-170 (Utah 1981). Helton asserts that the trial court abused its discretion when it ordered Helton to serve the original sentence. Having independently examined the issue, we conclude that Helton's argument is frivolous.

Therefore, we grant counsel's request to withdraw and affirm the sentence imposed by the district court.

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Judith M. Billings, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge