

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,	)	
	)	No. 65514-1-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
BRIAN S.,	)	UNPUBLISHED OPINION
DOB: 10-11-93,	)	
	)	
Appellant.	)	FILED: September 6, 2011

PER CURIAM. Brian S. appeals from an order of disposition entered following a conviction for second degree assault and attempted robbery and malicious mischief. Brian S.'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<sup>1</sup> and Anders v. California,<sup>2</sup> 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.<sup>[3]</sup>

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

<sup>1</sup> 78 Wn.2d 184, 470 P.2d 188 (1970).

<sup>2</sup> 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

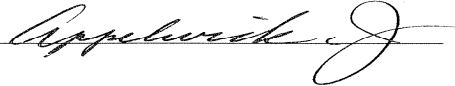
<sup>3</sup> State v. Theobald, 78 Wn.2d at 185, quoting Anders v. California, 386 U.S. at 744.

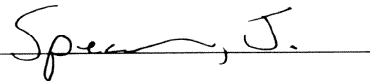
The facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and has independently reviewed the entire record. The court specifically considered the following potential issues raised by counsel and/or appellant:

1. Did the trial court err in failing to advise Brian S. of his right to testify at the CrR 3.5 hearing?
2. Did the trial court err in admitting Brian S.'s testimony regarding his gang affiliation for the limited purpose of showing that his comments were not responsive to the officer's questions about the incident?
3. Did the trial court err by admitting hearsay testimony of the complaining witness through the investigating officer?
4. Did defense counsel provide ineffective assistance by failing to move to exclude statements made to a doctor as privileged or by misstating the burden of production for self defense?
5. Was the trial court's finding that Brian S.'s use or force was not reasonable or proportional supported by substantial evidence at trial?

The potential issues are wholly frivolous. Counsel's motion to withdraw is granted and the appeal is dismissed.

For the court:

  
\_\_\_\_\_  
Cox, J.

  
\_\_\_\_\_  
Spear, J.