

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

STATE OF WASHINGTON,	)	
	)	No. 67006-9-I
Respondent,	)	
	)	
v.	)	DIVISION ONE
	)	
EDMOND CUMMINGS, AKA	)	UNPUBLISHED OPINION
BILLY JO CUMMINGS,	)	
	)	
Appellant.	)	FILED: June 4, 2012

**PER CURIAM.** Edmond Cummings appeals from the judgment and sentence entered after a jury found him guilty of delivery of an uncontrolled substance in lieu of a controlled substance. RCW 69.50.4012. Cummings' 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, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), 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.

State v. Theobald, 78 Wn.2d at 185 (quoting Anders v. California, 386 U.S. at 744).

This procedure has been followed. Cummings' counsel on appeal filed a brief

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with the motion to withdraw. Cummings was served with a copy of the brief and informed of the right to file a statement of additional grounds for review. Cummings has filed a statement of additional grounds for review.

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:

1. Whether the evidence was sufficient to support Cummings' conviction?
2. Whether Cummings was denied his right to effective assistance of counsel?

The court also considered the following issues raised by Cummings in his statement of additional grounds on review:

1. Whether the trial court erred in calculating Cummings' offender score and in determining the standard range sentence?
2. Whether the trial court erred in admitting Cummings' statements?
3. Whether the trial court erred in instructing the jury?
4. Whether Cummings was denied his right to effective assistance of counsel.

Upon independent review, the court discovered a scrivener's error in section 2.4 of the judgment and sentence, which lists the maximum term of Cummings' sentence as "20 years and/or \$50,000." As the State correctly concedes, the maximum term should be 10 years and/or a \$10,000 fine. See RCW 69.50.408(1);

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9A.20.021(1)(c).

Since in all other respects, the potential issues in this case are frivolous, counsel's motion to withdraw is granted and the appeal is dismissed. The trial court is directed to enter an order within sixty days of the filing of this opinion amending the judgment and sentence to reflect the correct maximum term.

For the court:

Speckman, A.C.J.

Becker, J.

Schweitzer, J.