

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 67460-9-I
)	
Respondent,)	DIVISION ONE
)	
v.)	
)	UNPUBLISHED OPINION
GORDON R. RYUN,)	
)	
Appellant.)	FILED: August 6, 2012

Per Curiam — Gordon Ryun appeals from the judgment and sentence entered after he pleaded guilty to first degree rape of a child – domestic violence, first degree child molestation – domestic violence, second degree rape of a child – domestic violence, and sexual exploitation of a minor. Ryun’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, 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. Ryun's counsel on appeal filed a brief with the motion to withdraw. Ryun was served with a copy of the brief and informed of the right to file a statement of additional grounds for review. Ryun 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 issue raised by counsel: Whether Ryun's guilty pleas were not knowingly, intelligently, and voluntarily made?

The court also considered the following issue raised by Ryun in his statement of additional grounds on review: Whether Ryun was denied his right to effective assistance of counsel during plea negotiations and after sentencing?

The potential issue identified by Ryun's appellate counsel in this case is frivolous. Because the ineffective assistance of counsel claim Ryun raises involves matters outside the record, it must be raised in a personal restraint petition. See State v. McFarland, 127 Wn.2d 322, 899 P.2d 1251 (1995); State v. Huddleston, 80 Wn. App. 916, 927, 912 P.2d 1068 (1996). Counsel's motion to withdraw is granted and the appeal is dismissed.



WE CONCUR:

