

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 CHINH QUOC PHAN,)
)
 Appellant.)

No. 71630-1-I
DIVISION ONE
UNPUBLISHED OPINION
FILED: October 12, 2015

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2015 OCT 12 AM 9:28

PER CURIAM. Chinh Phan pled guilty to a felony charge of violating the Uniform Controlled Substances Act by attempting to obtain oxycodone by means of a forged prescription. Phan'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.

Theobald, 78 Wn.2d at 185 (alterations in original) (quoting Anders, 386 U.S. at 744).

This procedure has been followed. Phan's counsel on appeal filed a brief with the motion to withdraw. Phan was served with a copy of the brief and informed of the right to file a statement of additional grounds for review. He did not file a statement of additional grounds.

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. Was the guilty plea voluntary?
2. Did the trial court err in ordering a chemical dependency evaluation and treatment as a condition of community custody?
3. Did the trial court abuse its discretion in denying Phan's motion to appoint new counsel?

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

For the court:

Leach, J.
Trickey, J.
Dunne, J.