

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MICHAEL TSEGAI GEBREZGIAHER,

Appellant.

No. 81052-9-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM. Michael Gebrezgiaher challenges his jury conviction for felony hit and run. His 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 (quoting Anders, 386 U.S. at 744).

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

The material 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 trial court abused its discretion when it denied Gebrezgiaher's request for a new trial attorney; (2) whether the trial court abused its discretion when it granted two pretrial continuances over Gebrezgiaher's objection; (3) whether the prosecutor committed misconduct in closing argument by misstating the law; and (4) whether the trial court erred by questioning the victim and his mother at the sentencing hearing about injuries that were not causally connected to the offense.

The issues raised by counsel are wholly frivolous. The motion to withdraw is granted and the appeal is dismissed.

FOR THE COURT:






