

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JOEL WHITE,

Appellant.

No. 83692-7-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM. Joel White appeals a trial court order denying his postconviction motion for deoxyribonucleic acid (DNA) testing. 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) (alterations in original).

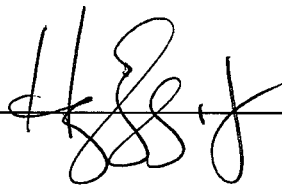
This procedure has been followed. White's counsel on appeal filed a brief with the motion to withdraw. White was served with a copy of the brief, and informed of his right to file a statement of additional grounds for review. White filed a supplemental brief, but subsequently filed a motion to withdraw the 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 violated White's right to due process when it decided his motion for postconviction DNA testing in his absence, (2) whether the trial court erred in denying White's motion, and (3) whether the trial court erred by failing to consider the evidence produced at trial.

The issues raised by counsel are wholly frivolous. The motion to withdraw is granted, the motion to withdraw White's supplemental brief is granted, and the appeal is dismissed.

FOR THE COURT:

Díaz, J.



Mann, J.