

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

GRIN ARKANIT,

Appellant.

No. 84349-4-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM. Grin Arkanit appeals a trial court order denying his motion for post-conviction DNA testing pursuant to RCW 10.73.170. 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).

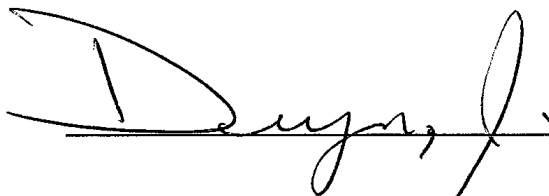
This procedure has been followed. Arkanit's counsel on appeal filed a brief with the motion to withdraw. Arkanit was served with a copy of the brief,

and informed of his right to file a statement of additional grounds for review. Arkanit filed a statement of additional grounds.¹

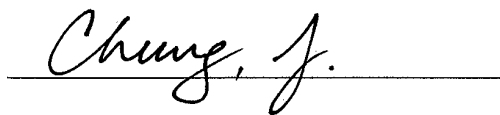
The material facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and has independently reviewed the entire record. The court specifically considered the following potential issues raised by counsel: whether the trial court violated Arkanit's right to due process by denying his motion without a hearing, whether the trial court erred by denying Arkanit's motion for post-conviction DNA testing, and whether the trial court erred by denying Arkanit's motion for the appointment of counsel. The court also considered the following issues raised by Arkanit: whether the evidence was insufficient to support his conviction for unlawful possession of a firearm in the second degree, and whether the trial court erred by not reading the jury instructions orally on the record.

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

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Diaz, J.", written over a horizontal line.

Díaz, J.

A handwritten signature in black ink, appearing to read "Chung, J.", written over a horizontal line.

¹ Arkanit subsequently filed a motion for extension of time pursuant to RAP 18.8. The motion is denied.