

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

STATE OF WASHINGTON,

Respondent,

v.

TED JENSEN,

Appellant.

No. 84377-0-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM. Ted Jensen appeals a trial court order denying his “Motion for Order to Show Cause re: Vacation of Judgment/Order” and his “Motion for Relief from Judgment Revoking Deferred Sentence.” 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. Jensen’s counsel on appeal filed a brief with the motion to withdraw. Jensen was served with a copy of the brief, and informed of his

right to file a statement of additional grounds for review. Jensen filed a statement of additional grounds.

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 erred by denying his motions to vacate his judgment and sentence on his conviction for theft in the second degree and whether Jensen received ineffective assistance of appointed counsel. The court also considered the following issues raised by Jensen: whether the record is insufficient to permit review because it did not contain verbatim reports of proceedings from 1984 and 1986, and whether the prosecutor committed misconduct in obtaining a continuance of the hearing on his motions.

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

FOR THE COURT:






