

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,  
  
Respondent,  
  
v.  
  
FRANK BARBER,  
  
Appellant.

No. 84707-4-I  
  
DIVISION ONE  
  
UNPUBLISHED OPINION

PER CURIAM. Frank Barber appeals the judgment and sentence imposed upon his conviction for attempted robbery in the first degree. His court-appointed attorney filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. See State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970); Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

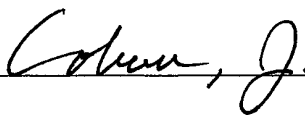
Because this court has identified a nonfrivolous issue: namely, whether Barber is entitled to relief from the victim penalty assessment and/or the DNA collection fee imposed in his judgment and sentence, we grant counsel's motion to withdraw and appoint new counsel to represent Barber.<sup>1</sup> See State v. Nichols, 136 Wn.2d 859, 968 P.2d 411 (1998) (once an appellate court identifies a nonfrivolous issue in an Anders case, before deciding the merits, the court must appoint counsel and direct counsel to prepare an advocate's brief).

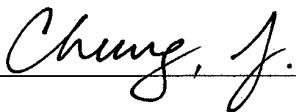
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<sup>1</sup> It appears that counsel's motion to withdraw was filed prior to recent legislative amendments eliminating the DNA collection fee and prohibiting the imposition of victim penalty assessments on indigent defendants, effective July 1, 2023. See LAWS OF 2023, ch. 449.

Now, therefore, it is hereby  
ORDERED that counsel's motion to withdraw is granted; and it is further  
ORDERED that Washington Appellate Project is appointed to represent the  
appellant; and it is further  
ORDERED that the clerk of this court shall set a briefing schedule and a  
date for consideration of this claim on the merits.

FOR THE COURT:

  
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