

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 MICHAEL GUTIERREZ aka)
 MICHAEL THOMAS DODGE,)
)
 Appellant.)

No. 68755-7-I
(consol. w/No. 68756-5-I)

DIVISION ONE

UNPUBLISHED OPINION

FILED: December 23, 2013

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2013 DEC 23 AM 9:35

PER CURIAM. Michael Gutierrez, aka Michael Dodge pled guilty to theft in the second degree in King County Superior Court No. 11-1-06119-8 and misdemeanor harassment in King County Superior Court No. 12-1-00495-8. 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. Gutierrez's counsel on appeal filed a brief with the motion to withdraw. Gutierrez was served with a copy of the brief and informed of his right to file a statement of additional grounds for review. Gutierrez filed a supplemental brief.

No. 68755-7-1
(consol. with No. 68756-5-1/2)

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 issue raised by counsel and appellant pro se:

Was Gutierrez's plea made knowingly, intelligently and voluntarily?

Both counsel and appellant pro se raise the same issue and it is wholly frivolous. The motion to withdraw is granted and the appeal is dismissed.

For the court:

Cox, J.
Gross, J.
Jay, J.