

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 RICARDO TEJEDA LOPEZ,)
)
 Appellant.)

No. 69346-8-I
DIVISION ONE
UNPUBLISHED OPINION
FILED: December 23, 2013

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2013 DEC 23 AM 9:31

PER CURIAM. Ricardo Tejada Lopez challenges his conviction of possession of heroin with intent to deliver in Snohomish County No. 12-1-00730-1. 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 insofar as possible. Tejada Lopez's counsel on appeal filed a brief with the motion to withdraw. However, as explained in counsel's declaration filed in this court, despite numerous efforts, counsel has been unable to locate Tejada Lopez since being appointed to represent him. Therefore, Tejada Lopez has not been served with a copy of the brief and it is unclear whether he has been

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informed of his right to file a statement of additional grounds for review. Accordingly, Tejada Lopez did not file a supplemental brief.

Nevertheless, 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:

Whether the trial court erred when it determined there was a valid basis to conduct an investigatory stop?

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

For the court:

Cox, J.
Green
Jarvis