

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

STATE OF WASHINGTON,
Respondent,
v.
STEPHEN P. DOWDNEY, JR.,
Appellant.

No. 75416-5-I

UNPUBLISHED OPINION

FILED: **OCT 15 2018**

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 OCT 15 AM 9:03

PER CURIAM. Stephen Dowdney challenges his conviction for first degree robbery while armed with a deadly weapon. 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. Dowdney's counsel on appeal filed a brief with the motion to withdraw. Dowdney was served with a copy of the brief and informed of his right to file a statement of additional grounds (SAG) for review. Dowdney has 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:

1. Did Dowdney unequivocally, voluntarily, knowingly, and intelligently waive his right to counsel and elect to proceed pro se?
2. Did Dowdney voluntarily, knowingly, and intelligently waive his right to a jury trial?
3. Did the superior court err in denying Dowdney's motion to dismiss for violation of his right to a speedy trial?

This court also considered the following issues raised in Dowdney's SAG:

1. Did the trial court err in denying Dowdney's motions to dismiss for violation of his right to a speedy trial under CrR 3.3?
2. Did the State misuse the District Court filing process, and if so, did such misuse "amount to unnecessary delay inconsistent with good faith and due diligence, violating Wa. Const. Art. 1 Sec. 10, CrR 1.2 [and] CrR 8.3(b)"?
3. "Does CrR 4.1 violate equal protection and offend due process?"

The potential issues are wholly frivolous. Dowdney's motions for a writ of review, to proceed pro se, and to modify the record are denied. Counsel's motion to withdraw is granted and the appeal is dismissed.

FOR THE COURT:

Becker, J.
Dunne, Jr.
Appelwick, CJ

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**ORDER DENYING MOTION
FOR RECONSIDERATION**

The appellant, Stephen Dowdney, has filed a motion for reconsideration. A majority of the panel has determined that the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.


Judge

FILED
SUPREME COURT
STATE OF WASHINGTON
4/3/2019
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

STEPHEN PALMER DOWDNEY JR.,

Petitioner.

No. 96746-6

ORDER

Court of Appeals
No. 75416-5-I

Department II of the Court, composed of Chief Justice Fairhurst and Justices Madsen, Stephens, González and Yu, considered at its April 2, 2019, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the petition for review is denied.

DATED at Olympia, Washington, this 3rd day of April, 2019.

For the Court

Fairhurst, C.J.
CHIEF JUSTICE

**Additional material
from this filing is
available in the
Clerk's Office.**