

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0630

STATE OF MONTANA,

Plaintiff and Appellee,

v.

WILLIAM LEE KUBU,

Defendant and Appellant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

FILED

APR 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Counsel for defendant and appellant William Lee Kubu filed a motion and brief asking to be allowed to withdraw from this appeal on grounds that there are no nonfrivolous issues to raise on appeal, pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and § 46-8-103(2), MCA. Kubu has filed a response to his counsel's motion.

The Court has now independently examined the record pursuant to *Anders*. We conclude an appeal in this case would be wholly frivolous.

THEREFORE,

IT IS ORDERED that counsel's motion to be allowed to withdraw from this appeal is GRANTED and this appeal is DISMISSED.

The Clerk is directed to provide copies of this order to all counsel of record and to William Lee Kubu personally.

DATED this 15th day of April, 2009.

W. William Beahm
[Signature]
[Signature]

John Warner
Patricia Letter
Jim Rice
Justices