

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

STATE OF OHIO, :
 :
 Plaintiff-Appellee, : CASE NO. CA2008-08-101
 :
 - vs - : DECISION
 : 6/15/2009
 :
 AARON HALL, :
 :
 Defendant-Appellant. :

CRIMINAL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 01CR19415

Rachel A. Hutzal, Warren County Prosecuting Attorney, Andrew Sievers, 500 Justice Drive, Lebanon, Ohio 45036, for plaintiff-appellee

Timothy J. McKenna, The Kroger Bldg., Suite 1450, 1014 Vine Street, Cincinnati, Ohio 45202, for defendant-appellant

Aaron L. Hall, #418952, London Correctional Institution, P.O. Box 69, 1580 State Route 56, London, Ohio 43140, defendant-appellant, pro se

Per Curiam.

{¶1} This cause came on to be considered upon a notice of appeal, the transcript of the docket and journal entries, the transcript of proceedings and original papers from the Warren County Court of Common Pleas, and upon a brief filed by appellant's counsel, the pro se brief of defendant-appellant, Aaron Hall, and the state's briefs in response to the brief of appellant's counsel and to appellant's pro se brief, oral argument having been waived.

{¶2} Counsel for appellant has filed a brief with this court pursuant to *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396, which (1) indicates that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists one potential error "that might arguably support the appeal," *Anders* at 744, 87 S.Ct. at 1400; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant.

{¶3} Appellant has filed a pro se brief raising assignments of error alleging he is entitled to withdraw his plea because his sentence was unconstitutional under *Blakely v. Washington* (2004), 542 U.S. 296, 124 S.Ct. 2531; and *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856.

{¶4} We have examined the record, the potential assignments of error presented in counsel's brief, and the assignments of error in appellant's pro se brief and find no error prejudicial to appellant's rights in the proceedings in the trial court. Therefore, the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous.

BRESSLER, P.J., YOUNG and POWELL, JJ., concur.

[Cite as *State v. Hall*, 2009-Ohio-2799.]

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