

[Cite as *State v. Boone*, 2016-Ohio-4665.]

STATE OF OHIO            )  
                                  )ss:  
COUNTY OF SUMMIT    )

IN THE COURT OF APPEALS  
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No.     27918

Appellee

v.

CHAREN A. BOONE

APPEAL FROM JUDGMENT  
ENTERED IN THE  
COURT OF COMMON PLEAS  
COUNTY OF SUMMIT, OHIO  
CASE No.    CR 2015 03 0899

Appellant

DECISION AND JOURNAL ENTRY

Dated: June 29, 2016

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SCHAFFER, Judge

{¶1} Defendant-Appellant, Charen A. Boone, appeals the judgment of the Summit County Court of Common Pleas convicting and sentencing her for one count of robbery. We affirm.

I.

{¶2} On March 23, 2015, Boone was arrested and subsequently indicted on one count of robbery in violation of R.C. 2911.02(A)(2), a second degree felony. This charge stemmed from Boone’s theft of purses from a department store and subsequent altercation with the store’s asset protection detective. Boone pled not guilty to the sole count in the indictment and the matter was tried to the bench.

{¶3} At the conclusion of the State’s case-in-chief, Boone moved for a Crim.R. 29 motion for acquittal, which the trial court denied. Boone then testified on her own behalf prior to resting her case. The trial court ultimately found Boone guilty of the sole count in the

indictment. The trial court sentenced Boone to a three-year suspended prison sentence on the condition that she complete 30 months of community control, including serving 60 days in the Summit County Jail and completing 60 days of house arrest upon her release from jail, among other conditions.

{¶4} Boone filed this timely appeal of her conviction and sentence.

## II.

{¶5} Boone's appellate counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that she has reviewed the record and concluded that there are no meritorious issues therein to pursue on appeal. Boone's counsel has also moved to withdraw in this matter. The record indicates that Boone was served with a copy of her counsel's brief, and this Court issued a magistrate's order affording Boone an opportunity to raise arguments after review of the *Anders* brief. Boone has not submitted additional arguments for our consideration.

{¶6} In her *Anders* brief, Boone's counsel identified three possible issues for appeal, but concluded that they were not meritorious. Counsel questioned whether Boone's robbery conviction was supported by sufficient evidence and against the manifest weight of the evidence. Counsel also questions whether Boone's sentence is contrary to law. However, upon review of the trial and sentencing transcripts, as well as the applicable law, counsel concluded that the trial court neither erred in finding Boone guilty of robbery nor imposing a suspended prison sentence.

{¶7} Upon this Court's own full, independent examination of the record, we agree that there are no appealable, non-frivolous issues in this case. *See State v. Randles*, 9th Dist. Summit No. 23857, 2008–Ohio–662, ¶ 6; *State v. Lowe*, 9th Dist. Lorain No. 97CA006758, 1998 WL 161274 (Apr. 8, 1998). As such, we grant appellate counsel's motion to withdraw.

## III.

{¶8} Having reviewed the entire record and having found that no appealable issues exist, we conclude that Boone's appeal is meritless and wholly frivolous under *Anders*. The motion of Boone's appellate counsel to withdraw is therefore granted. The judgment of the Summit County Court of Common Pleas is affirmed.

Judgment affirmed.

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There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

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JULIE A. SCHAFER  
FOR THE COURT

CARR, P. J.  
WHITMORE, J.  
CONCUR.

APPEARANCES:

BARBARA J. ROGACHEFSKY, Attorney at Law, for Appellant.

SHERRI BEVAN WALSH, Prosecuting Attorney, and RICHARD S. KASAY, Assistant Prosecuting Attorney, for Appellee.