

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

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| STATE OF OHIO, | : | |
| | : | CASE NOS. CA2007-06-144 |
| Plaintiff-Appellee, | : | CA2007-06-148 |
| | : | |
| - vs - | : | <u>DECISION</u> |
| | : | 3/3/2008 |
| | : | |
| ROBERT P. MORRIS, | : | |
| | : | |
| Defendant-Appellant. | : | |

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case Nos. CR2005-04-0698 & CR2005-05-0848

Robin N. Piper, Butler County Prosecuting Attorney, Michael A. Oster, Jr., Government Services Center, 315 High Street, 11th Fl., Hamilton, Ohio 45011, for plaintiff-appellee

Brian K. Harrison, P.O. Box 80, Monroe, Ohio 45050, for defendant-appellant

Robert P. Morris, #A516143, Lebanon Correctional Institution, P.O. Box 56, Lebanon, Ohio 45035, 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 Butler County Court of Common Pleas, and upon the briefs filed by the state of Ohio, by appellant's counsel, and the pro se brief of appellant, oral argument having been waived.

{¶2} Counsel for defendant-appellant, Robert P. Morris, 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 four potential errors "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. The pro se brief filed by appellant raises five assignments of error.

{¶13} We have examined the record, the potential assignments of error presented in counsel's brief, and the five assignments of error presented 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.

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