

[Cite as *State v. Harry*, 2010-Ohio-2306.]

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

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	CASE NO. CA2009-09-238
- vs -	:	<u>DECISION</u> 5/24/2010
DEMARIAN JAVON HARRY,	:	
Defendant-Appellant.	:	

APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS  
Case No. CR07-06-0910

Robin N. Piper III, Butler County Prosecuting Attorney, Government Services Center,  
315 High Street, 11th Floor, Hamilton, OH 45011-6057, for plaintiff-appellee

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

Demarian Javon Harry, #A568441, London Correctional Institution, P.O. Box 69,  
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 Butler County Court of Common Pleas, the brief filed by appellant's counsel, and upon appellant's pro se brief, oral argument having been waived.

{¶2} Counsel for defendant-appellant, Demarian Javon Harry, 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 two assignments of error pertaining to the denial of his motion for a new trial. We have accordingly examined the record, the potential assignment of error 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. 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.

POWELL, P.J., RINGLAND and HENDRICKSON, JJ., concur.