

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-070033
	:	TRIAL NO. B-0609295
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DEWEY ROBB,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

In 2006, defendant-appellant Dewey Robb was indicted for burglary.<sup>2</sup> Robb withdrew his initial plea of not guilty and entered a plea of guilty. The court convicted Robb of burglary and imposed an agreed sentence of three years' incarceration. Robb also agreed to an eight-year sentence if he failed to appear for sentencing or if he was charged with additional crimes while free on bond. The agreement was explained to Robb at the plea hearing, and he was warned that if he violated the terms of the agreed sentence, he would be sentenced to eight years' incarceration. About two weeks later, Robb failed to appear for sentencing. Later Robb was apprehended by the police and then sentenced to eight years' incarceration under the plea agreement.

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

<sup>2</sup> R.C. 2911.12(A)(2).

**OHIO FIRST DISTRICT COURT OF APPEALS**

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On appeal, counsel for Robb has filed a brief in accordance with *Anders v. California*, stating that counsel has conscientiously reviewed the record and has found no nonfrivolous grounds on which to appeal.<sup>3</sup> Counsel requests permission to withdraw and, as required by *Anders*, requests that this court independently examine the record to determine if the proceedings below were free of prejudicial error. Counsel has properly notified Robb of the filing of this *Anders* brief, providing sufficient time for Robb to provide grounds for this appeal. Robb has chosen not to raise any issues.

After examining the entire record, we are satisfied that counsel has provided Robb with a diligent and thorough review of the proceedings, and that the proceedings below were free of prejudicial error.

We conclude that Robb's appeal is without merit and wholly frivolous. Therefore, we overrule counsel's motion to withdraw and affirm the judgment of the trial court.

Although we hold that this appeal is frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Robb because he is clearly indigent. Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**PAINTER, P.J., SUNDERMANN and DINKELACKER, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on November 7, 2007  
per order of the Court \_\_\_\_\_  
Presiding Judge

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<sup>3</sup> *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396.