

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

STATE OF OHIO,	:	APPEAL NO. C-070272
	:	TRIAL NO. B-0604433
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
MATTHEW EARLY,	:	
	:	
Defendant-Appellant.	:	

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

Defendant-appellant Matthew Early appeals the judgment of the trial court convicting him of complicity with a one-year firearm specification, following his guilty pleas to reduced charges.

Pursuant to *Anders v. California*,<sup>2</sup> Early's appointed counsel has advised this court that, after a thorough review of the record, she can find nothing that would support Early's appeal. Consequently, counsel has sought to withdraw from representation and requests that this court, consistent with *Anders*, independently review the record to determine whether the proceedings below were free from prejudicial error.

As required by *Anders*, counsel has given Early an opportunity to provide grounds for appeal, and she has provided us with those grounds.

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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> (1967), 386 U.S. 738, 87 S.Ct. 1396.

We are satisfied that Early's counsel has provided Early with a diligent and thorough search of the record and has correctly concluded that the proceedings below were free of prejudicial error. At the plea hearing, the trial court engaged Early in an appropriate Crim.R. 11 colloquy, and Early affirmatively waived his constitutional rights. Our review of the record convinces us that Early knowingly and voluntarily entered his guilty pleas. Further, Early, who was an accomplice to an armed robbery, was subject to a firearm specification as if he were the principal offender.<sup>3</sup>

Consequently, we hold that Early's appeal is wholly frivolous. We overrule counsel's motion to withdraw and affirm the judgment of the trial court.

Although we conclude 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 Early because he is clearly indigent.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., HENDON and CUNNINGHAM, 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> See *State v. Chapman* (1986), 21 Ohio St.3d 41, 487 N.E.2d 566.