

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

STATE OF OHIO,	:	APPEAL NO. C-070718
	:	TRIAL NO. B-0605428
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
MAURICE WAVER,	:	
	:	
Defendant-Appellant.	:	

This appeal is considered on the accelerated calendar, and this judgment entry shall not be considered an opinion of the court.¹

Defendant-appellant Maurice Waver appeals the trial court's judgment revoking his community control and imposing a four-year prison term. We affirm.

On October 19, 2006, Waver pleaded guilty to robbery.² The trial court sentenced him to five years of community control, informing him that if he violated any community-control sanction, the court would impose an eight-year prison term. As a condition of community control, Waver was required to pay a monthly fee to the probation department to cover courts costs and fines. Waver failed to pay the full amount on a monthly basis.

¹ S.Ct.R.Rep.Op. 3(A), App.R. 11(E), and Loc.R. 12.

² See R.C. 2911.02(A)(2).

In September 2007, the court held a community-control revocation hearing and found Waver guilty of violating his community control. The trial court revoked Waver's community control and imposed a four year-prison term, with credit for time served.

After reviewing the record and the applicable law, Waver's appointed appellate counsel, pursuant to *Anders v. California*,³ states in his brief that he has found no errors in the proceedings below, has moved to withdraw as counsel, and has requested this court to review the record for any reversible error. Waver, through a letter to his appellate counsel, has asserted that his trial counsel was ineffective, but has not stated how. Waver has also asserted that he made a "good faith" effort to pay his fines.

Under *Anders*, this court is now charged with the task of independently reviewing the record for any prejudicial errors that would warrant the reversal of the trial court's judgment. After reviewing the entire record, we conclude that there was no prejudicial error in the proceedings below, and we hold that there are no grounds to support a meritorious appeal: there was sufficient evidence presented that Waver had violated his community control by failing to pay his fines, and there is nothing in the record to demonstrate that Waver's trial counsel was deficient in his representation of Waver. Accordingly, the judgment of the trial court is affirmed, and counsel's motion to withdraw is hereby overruled.

Although we have concluded that this appeal is frivolous pursuant to App.R. 23 and is without "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Waver because it is clear from the record that he is indigent.

Further, a certified copy of this judgment entry shall constitute the mandate,

³ (1967), 386 U.S. 738, 87 S.Ct. 1396.

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which shall be sent to the trial court under App.R. 27.

HILDEBRANDT, P.J., CUNNINGHAM and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on August 6, 2008

per order of the Court _____.

Presiding Judge