

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

STATE OF OHIO,	:	APPEAL NOS. C-090198
		C-090199
Plaintiff-Appellee,	:	TRIAL NOS. B-0701726
		B-0808202
vs.	:	
		<i>JUDGMENT ENTRY.</i>
RICHARD JACKSON,	:	
Defendant-Appellant.	:	

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

As part of a plea agreement, defendant-appellant, Richard Jackson, pleaded guilty to one count of possession of cocaine under R.C. 2925.11(A). The trial court sentenced him to three years of community control. After he violated the terms of his community control, the trial court sentenced him to 14 months in prison.

Subsequently, he pleaded guilty to one count of trafficking in cocaine under R.C. 2925.03(A)(1). The trial court sentenced him to 10 months in prison, to be served consecutively to the sentence in the previous case, for a total of 24 months.

As provided in *Anders v. California*,² Jackson's appointed counsel has advised this court that, after a thorough review of the record, she can discern no arguable assignments of error to present on appeal. She has advised Jackson of this

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

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

determination, and Jackson has not responded. Jackson's counsel now asks this court to conduct an independent review of the record to determine whether the proceedings below were free from prejudicial error.³ She has also filed a motion to withdraw as Jackson's counsel.

After reviewing the entire record, we are satisfied that Jackson's counsel has provided her client with a diligent and thorough search of the record, and that she has correctly concluded that the proceedings below were free from prejudicial error.⁴ We hold that no grounds exist to support a meritorious appeal. Therefore, we affirm the trial court's judgment and overrule counsel's motion to withdraw. We find the appeal to be frivolous under App.R. 23 and R.C. 2505.35, but refrain from taxing costs and expenses against Jackson 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., CUNNINGHAM and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on December 2, 2009
per order of the Court _____.
Presiding Judge

³ See *State v. Dorsey*, 1st Dist. No. C-070147, 2007-Ohio-5869; *State v. Mackey* (Dec. 17, 1999), 1st Dist. No. C-990302; *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958.

⁴ See *Penson v. Ohio* (1988), 488 U.S. 75, 109 S.Ct. 346; *Dorsey*, supra.