

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

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| STATE OF OHIO, | : | APPEAL NO. C-200314 |
| | : | TRIAL NO. B-1905358A |
| Plaintiff-Appellee, | : | |
| | : | <i>JUDGMENT ENTRY.</i> |
| vs. | : | |
| MBIYA MITCHEM, | : | |
| | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In July 2020, defendant-appellant Mbiya Mitchem entered a guilty plea to possession of cocaine in exchange for the state dismissing Mitchem’s remaining charge of trafficking in cocaine. The trial court, after discussing the sentencing factors it had considered, imposed the agreed sentence of 18 months in prison with a credit of 312 days served.

Mitchem’s appointed counsel has advised this court that, after a thorough review of the record, she can find nothing that would arguably support appellant’s appeal, and that the appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed. 493 (1967); *see also Freels v. Hills*, 843 F.2d 958 (6th Cir.1988). Counsel, as required by *Anders*, has communicated this conclusion to appellant, and has offered appellant an opportunity to respond. Counsel has also

moved this court for permission to withdraw as counsel. *See Anders* at 744; *see also* 1st Dist. Loc.R. 16.2(C)(1) and 16.2(D)(2).

Counsel now requests that this court independently examine the record to determine whether the appeal is wholly frivolous. *See Anders* at 744. We have done so, and we agree with counsel’s conclusion that the proceedings were free of error prejudicial to appellant and that no grounds exist to support a meritorious appeal. Therefore, we overrule counsel’s motion to withdraw from her representation of appellant, and affirm the judgment of the trial court.

We hold that this appeal is frivolous under App.R. 23 and without “reasonable cause” under R.C. 2505.35. But we refrain from taxing costs and expenses against appellant because he is 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.

MYERS, P.J., WINKLER and BOCK, JJ.

To the clerk:

Enter upon the journal of the court on July 16, 2021,
per order of the court _____.
Administrative Judge