

**COURT OF APPEALS OF OHIO**  
**EIGHTH APPELLATE DISTRICT**  
**COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 107633
	:	
v.	:	
	:	
DANIEL J. GREEN,	:	
	:	
Defendant-Appellant.	:	

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JOURNAL ENTRY AND OPINION

**JUDGMENT: DISMISSED**  
**RELEASED AND JOURNALIZED: March 14, 2019**

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Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case No. CR-16-610119-A

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*Appearances:*

Robert A. Dixon, *for appellant.*

Michael C. O'Malley, Prosecuting Attorney, *for appellee.*

SEAN C. GALLAGHER, J.:

{¶ 1} Daniel Green appeals from his resentencing as a result of *State v. Green*, 8th Dist. Cuyahoga No. 106116, 2018-Ohio-2729 (“*Green I*”). In *Green I*, it was concluded that the aggregate term of imprisonment as delineated in the sentencing entry and the one orally pronounced at sentencing differed. “Although the trial court sentenced Green to an aggregate total of nine years imprisonment, it

stated that the aggregate total was eight years. (Tr. 149.) The journal entry also recorded the sentence as eight years instead of nine years.” *Id.* at ¶ 3. *Green I* affirmed the imposition of consecutive sentences and remanded the matter for the court to determine whether the sentences aggregated to eight years as intended, or nine years as delineated.

{¶ 2} Upon remand, the trial court imposed an eight-year aggregate term of imprisonment by imposing several counts to be served consecutively. Green had pleaded guilty to several counts of attempted pandering of sexually oriented matter involving a minor, attempted illegal use of a minor in a nudity oriented material/performance, unlawful sexual contact with a minor, compelling prostitution, disseminating matter harmful to juveniles, failure to provide notice of change of address, and possessing criminal tools.

{¶ 3} In this appeal, counsel filed a brief citing *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), and requested leave to withdraw, claiming any potential assigned error would be wholly frivolous. After a review of the record, we grant counsel’s motion to withdraw and dismiss this appeal.

{¶ 4} Although *Green I* vacated the sentences, it did so based on a typographical error that the trial court corrected upon remand. The trial court understood the scope of the remand, and because the sentences were vacated, the trial court went through the sentencing hearing anew and imposed the eight-year aggregate term of imprisonment originally intended, which was comprised of consecutive service of several counts. The sentencing hearing was thorough and in

compliance with all that is required by law. In light of the fact that *Green I* affirmed the imposition of consecutive sentences and the individual sentences were within the respective statutory ranges, we agree with counsel that under former Loc.App.R. 16(C), in effect at the time of the filing of this appeal, there are no nonfrivolous arguments that could be raised in light of the limited nature of the remand in this particular case. Counsel's request to withdraw is granted, and the appeal is dismissed.

It is ordered that appellee recover from appellant costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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SEAN C. GALLAGHER, JUDGE

MARY J. BOYLE, P.J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR