

[Cite as *State v. Parrott*, 2014-Ohio-1203.]

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

STATE OF OHIO,	:	APPEAL NO. C-130476
	:	TRIAL NO. B-1301880
Plaintiff-Appellee,	:	
	:	<i>OPINION.</i>
vs.	:	
RONNIE PARROTT,	:	
	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

**Judgment of Court: Motion to Withdraw As Counsel for Appellant is
Granted, New Counsel for Appellant is Appointed,
Further Briefing is Ordered, and Appeal is Ordered
to be Resubmitted**

Date of Judgment Entry on Appeal: March 26, 2014

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Melynda J. Machol*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Michael J. Trapp, for Defendant-Appellant.

Please note: this case has been removed from the accelerated calendar.

Per Curiam.

{¶1} In this criminal appeal, Ronnie Parrott's appointed counsel filed a no-error brief, stating that after reviewing the record thoroughly, he had identified no meritorious issues to raise on appeal. *See Anders v. California*, 386 U.S. 738, 744, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Because the complete transcript of the proceedings below was not filed with this court, we are unable to determine whether there were meritorious issues. We therefore grant counsel's motion to withdraw, appoint new appellate counsel for Mr. Parrott, and order that the appeal be resubmitted.

{¶2} Mr. Parrott pleaded guilty to trafficking in heroin, trafficking in cocaine, possession of heroin, possession of cocaine, and two counts of assault. The court sentenced him to an aggregate sentence of 24 months.

{¶3} Mr. Parrott's appointed counsel has advised this court that, after a thorough review of the record, he can find nothing that would arguably support Mr. Parrott's appeal, and that the appeal is wholly frivolous. *See id.*; *see also Freels v. Hills*, 843 F.2d 958 (6th Cir.1988). Counsel, as required by *Anders*, has communicated this conclusion to Mr. Parrott, and has offered him an opportunity to respond and to raise any issues. 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.

Although it appears that counsel ordered a complete transcription of the proceedings below, only two of three transcript volumes were filed with this court. The volume that is missing from the record is presumably the transcription of the sentencing hearing. We are unable to determine whether counsel conducted a

conscientious review of the entire record, including all the transcript volumes. Even if counsel did review the entire record as he has represented to this court, without the third volume, we are unable to conduct an independent review of the entire record. Therefore, we grant counsel's motion to withdraw and appoint attorney William F. Oswald, Jr., Attorney Registration No. 0080597, to serve as counsel for Mr. Parrott. We order William F. Oswald, Jr. to present a brief on any matter counsel may discover in a diligent review of the record, or if a conscientious review of the record reveals that the appeal is wholly frivolous, to prepare a no-error brief made in conformity with law and this opinion. We also urge counsel to make certain that the record filed with this court is complete.

{¶4} We further order new counsel to file a brief on or before May 5, 2014, and counsel for the state to file a responsive brief on or before June 5, 2014.

Judgment accordingly.

HENDON, P.J., FISCHER and DEWINE, JJ.

Please note:

The court has recorded its own entry on the date of the release of this opinion.