

IN THE COURT OF APPEALS  
TWELFTH APPELLATE DISTRICT OF OHIO  
BROWN COUNTY

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : CASE NO. CA2004-03-005  
 :  
 - vs - :  D E C I S I O N  
 : 11/15/2004  
 :  
 WAYNE JOHNSON, :  
 :  
 Defendant-Appellant. :

CRIMINAL APPEAL FROM BROWN COUNTY COURT OF COMMON PLEAS  
Case No. 2003-2079

Thomas F. Grennan, Brown County Prosecuting Attorney, 200 East  
Cherry Street, Georgetown, Ohio 45121, for plaintiff-appellee

David E. Grimes, Brown County Public Defender, 112 Main Street,  
Ripley, Ohio 45167, for defendant-appellant

Per Curiam.

{¶1} This cause came on to be considered upon a notice of  
appeal, the transcript of the docket and journal entries, the  
transcript of proceedings and original papers from the Brown  
County Court of Common Pleas, and upon a brief filed by  
appellant's counsel, oral argument having been waived.

{¶2} Counsel for defendant-appellant, Wayne Johnson, has  
filed a brief with this court pursuant to Anders v. California  
(1967), 386 U.S. 738, 87 S.Ct. 1396, which (1) indicates that a

careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists one potential error "that might arguably support the appeal," Anders at 744, 87 S.Ct. at 1400; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant.

{¶3} Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court. Therefore, the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous.

YOUNG, P.J., POWELL and WALSH, JJ., concur.