

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

STATE OF OHIO, :
 :
 Plaintiff-Appellee, : CASE NO. CA2005-06-138
 :
 -vs- : DECISION
 : 10/31/2005
 WILLIAM BAILEY, :
 :
 Defendant-Appellant. :

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR98-08-0964

Robin N. Piper, Butler County Prosecuting Attorney, Government Services Center, 315 High Street, 11th Floor, Hamilton, OH 45012-0515, for plaintiff-appellee

Brian K. Harrison, 240 E. State Street, Trenton, OH 45067, for defendant-appellant

William Bailey, Inmate No. 373-090, Hocking Correctional Facility, P.O. Box 59, Nelsonville, OH 45764, pro se

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

Butler County Court of Common Pleas, and upon a brief filed by appellant's counsel and the pro se brief of appellant, William Bailey, and appellant's pro se request for oral argument.

{¶2} Counsel for defendant-appellant, William Bailey, 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} Appellant has filed a pro se brief raising an assignment of error claiming the trial court erroneously imposed more than the minimum sentence and erroneously imposed consecutive sentences. We have accordingly examined the record, the potential assignment of error presented in counsel's brief, and the assignment of error in appellant's pro se brief, 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, appellant's pro se request for oral argument is denied, and this appeal is dismissed for the reason that it is wholly frivolous.

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

[Cite as *State v. Bailey*, 2005-Ohio-5773.]