

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

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|----------------------|---|------------------------|
| STATE OF OHIO, | : | |
| | : | |
| Plaintiff-Appellee, | : | CASE NO. CA2014-05-013 |
| | : | |
| - vs - | : | <u>DECISION</u> |
| | : | 9/22/2014 |
| | : | |
| DELBERT W. SCOTT, | : | |
| | : | |
| Defendant-Appellant. | : | |

CRIMINAL APPEAL FROM MADISON COUNTY COURT OF COMMON PLEAS
Case No. CR20090041

Stephen J. Pronai, Madison County Prosecuting Attorney, Nicholas A. Adkins, 59 North Main Street, London, Ohio 43140, for plaintiff-appellee

Shannon Marie Treynor, 63 North Main Street, P.O. Box 735, London, Ohio 43140, for defendant-appellant

Delbert W. Scott, #A587593, Pickaway Correctional Institution, P.O. Box 209, Orient, Ohio 43146, defendant-appellant, 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 Madison County Court of Common Pleas, and upon the briefs filed by counsel and the pro se brief filed by appellant, Delbert W. Scott, oral argument having been waived.

{¶ 2} Counsel for defendant-appellant, Delbert Scott, has filed a brief with this court pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967), 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 concerning whether his speedy trial rights were violated.

{¶ 4} We have 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, and this appeal is dismissed for the reason that it is wholly frivolous.

RINGLAND, P.J., S. POWELL and M. POWELL, JJ., concur.

NOTICE TO CLERK:

Serve a copy of this Decision upon appellant at: Delbert W. Scott, #A587593, Pickaway Correctional Institution, P.O. Box 209, Orient, Ohio 43146

Jess C. Weade, Madison County Prosecuting Attorney, Rachel M. Price, 59 North Main Street, London, Ohio 43140, for plaintiff-appellee

Shannon Marie Treynor, 63 North Main Street, P.O. Box 735, London, Ohio 43140, for defendant-appellant

[Cite as *State v. Scott*, 2014-Ohio-4177.]