

[Cite as *State v. Turner*, 2002-Ohio-5383.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 19182
v.	:	T.C. NO. 01 CR 1772/3
JUSTIN MAURICE TURNER	:	(Criminal Appeal from Common Pleas)
Defendant-Appellant	:	

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OPINION

Rendered on the 4th day of October, 2002.

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CARLEY J. INGRAM, Atty. Reg. No. 0020084, Assistant Prosecuting Attorney, 301 W.
Third Street, 5th Floor, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

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WOLFF, P. J.

{¶1} Justin Turner was indicted on counts of possession of crack cocaine and possession of criminal tools.

{¶2} After his motion to suppress evidence was overruled, Turner entered a plea of no contest to possession of crack cocaine and the possession of criminal tools

charge was dismissed. After receiving a presentence investigation report, the trial court imposed a sentence of two years incarceration and a two-year driver's license suspension.

{¶3} Turner filed a notice of appeal and counsel was appointed to prosecute the appeal. On June 11, 2002, appointed appellate counsel filed an *Anders* brief pursuant to *Anders v. California* (1966), 386 U.S. 738 indicating that after her review of the record, she was unable to identify any potentially meritorious issues for appellate review.

{¶4} On June 28, 2002, by decision and entry, a copy of which was served upon Turner, we notified Turner that his counsel had filed an *Anders* brief and of the significance of the *Anders* brief and indicated that Turner should file any pro se assignments of error within sixty days of June 28. Turner has not filed a pro se brief with this court.

{¶5} Appointed appellate counsel suggested a possible assignment of error having to do with whether the trial court properly ruled upon Turner's motion to suppress evidence.

{¶6} The trial court had partially sustained the motion to suppress by suppressing certain statements Turner had given to the police without the benefit of *Miranda* warnings, but overruled the motion to suppress as it related to cocaine taken from Turner's person and a set of scales taken from his automobile upon which the police performed an inventory search prior to impounding it.

{¶7} We have reviewed the record as it relates to the motion to suppress and are well satisfied that the court properly ruled upon that motion. Pursuant to our

obligation under *Anders* to independently review the entire record, we have undertaken to do so.

{¶8} Having independently reviewed the record, we agree with the assessment of appointed appellate counsel that there are no potentially meritorious issues for review, that this appeal is wholly frivolous, and that the judgment should be affirmed.

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GRADY, J. and YOUNG, J., concur.

Copies mailed to:

Carley J. Ingram
Joyce M. Deitering
Hon. Michael T. Hall