

[Cite as *State v. Henderson*, 2005-Ohio-4834.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 20451
v.	:	T.C. NO. 04 CR 32/2
	:	
RICHARD HENDERSON	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

OPINION

Rendered on the 16th day of September, 2005.

NOLAN THOMAS, Atty. Reg. No. 0078255, Assistant Prosecuting Attorney, 301 West Third Street, 5th Floor, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

JAMES C. STATON, Atty. Reg. No. 0068686, 5613 Brandt Pike, Huber Heights, Ohio 45424
Attorney for Defendant-Appellant

RICHARD HENDERSON, 2219 W. Second Street, Dayton, Ohio 45407
Defendant-Appellant

WOLFF, J.

{¶ 1} After a trial by jury, Richard Henderson was found guilty of possession of crack cocaine, a fifth degree felony. He was sentenced to nine months imprisonment.

Counsel was appointed to prosecute an appeal and on May 4, 2005, appointed appellate counsel filed an *Anders* brief pursuant to *Anders v. California* (1967), 386 U.S. 738, wherein he represented to the court that after examination of the record and research of applicable case law, he could find no arguably meritorious issues to present on appeal. Counsel did propose as two possible assignments of error that the judgment was against the manifest weight of the evidence and that the court erred in admitting the crack cocaine when the State had failed to properly establish a sufficient chain of custody.

{¶ 2} On May 6, 2005, we notified Henderson by decision and entry that his counsel had filed an *Anders* brief, the significance of an *Anders* brief, and Henderson’s opportunity to file *pro se* assignments of error within sixty days of our May 6 decision and entry. Henderson has not taken advantage of this opportunity.

{¶ 3} We have examined the record and agree with the assessment of appellate counsel that his two suggested assignments of error have no arguable merit. The finding of guilty was not against the manifest weight of the evidence and the trial court acted within its discretion in determining that the chain of custody established by the State was sufficient and that any deficiencies went to the weight to be accorded to it.

{¶ 4} Pursuant to our responsibilities under *Anders*, we have independently examined the entire record and we conclude, as did appellate counsel, that there are no arguably meritorious issues for review.

{¶ 5} Accordingly, the judgment of conviction and sentence will be affirmed.

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FAIN, J. and DONOVAN, J., concur.

Copies mailed to:

Nolan Thomas
James C. Staton
Richard Henderson
Hon. Barbara P. Gorman