

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 21872
v.	:	T.C. NO. 2006 CR 1014
ALLEN T. CRESSEL	:	(Criminal Appeal from Common Pleas Court)
Defendant-Appellant	:	

OPINION

Rendered on the 25th day of May, 2007.

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

GARY C. SCHAENGOLD, Atty. Reg. No. 0007144, 707 Shroyer Road, Suite B, Dayton, Ohio 45419
Attorney for Defendant-Appellant

WOLFF, P.J.

{¶1} Allen T. Cressel was charged with auto theft, a fourth degree felony, which carries a maximum sentence of eighteen months. Cressel, represented by counsel, entered a plea of no contest to the charge and was found guilty. The trial court sentenced Cressel to an agreed-upon sentence of nine months and ordered restitution in the amount of \$503.96.

{¶2} A timely appeal was filed on Cressel's behalf and different counsel was appointed to prosecute the appeal. On February 21, 2007, appointed appellate counsel filed an *Anders* brief pursuant to *Anders v. California* (1967), 386 U.S. 738, in which he represented to the court that after review of the record he could find no arguably meritorious issues to present on appeal. By magistrate's order of March 1, 2007, we informed Cressel that his counsel had filed an *Anders* brief and of the significance of an *Anders* brief. We invited Cressel to file a pro se brief assigning any errors for review within sixty days of March 1, 2007. Cressel has not filed anything with this court.

{¶3} Pursuant to our responsibilities under *Anders*, we have conducted an independent review of the entire record and, having done so, we agree with the assessment of appointed appellate counsel that there are no arguably meritorious issues to present on appeal, and that this appeal is wholly frivolous.

{¶4} Accordingly, the judgment appealed from will be affirmed.

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GRADY, J., and DONOVAN, J., concur.

Copies mailed to:

Carley J. Ingram
Gary C. Schaengold
Hon. John W. Kessler