

[Cite as *State v. Williamson*, 2015-Ohio-4482.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102320

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

MICHAEL WILLIAMSON

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-01-406972-A

BEFORE: McCormack, P.J., E.T. Gallagher, J., and Stewart, J.

RELEASED AND JOURNALIZED: July 16, 2015

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TIM McCORMACK, J.:

{¶1} Defendant-appellant, Michael Williamson (“Williamson”), appeals from his sentencing hearing that was “limited to the advisement of postrelease control” as remanded by this court in *State v. Williamson*, 8th Dist. Cuyahoga Nos. 100563 and 101115, 2014-Ohio-3909. Williamson’s appointed appellate counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), and requested leave to withdraw as counsel.

{¶2} This court described the duties of assigned counsel when filing a motion to withdraw based on *Anders* in the following:

In *Anders*, the United States Supreme Court held that if appointed counsel, after a conscientious examination of the case, determines that the appeal is wholly frivolous, counsel may advise the court and request permission to withdraw from the case. *Anders* at 744. The request must be accompanied by a brief identifying issues that could arguably support the appeal. *Id.* The brief must be furnished to the client, who must then be allowed sufficient time to file his or her own brief. *Id.*

State v. Torres, 8th Dist. Cuyahoga No. 101769, 2015-Ohio-2038, ¶ 2.

{¶3} Williamson’s counsel fully complied with these requirements. This court ordered appointed counsel’s motion to withdraw to be held in abeyance pending our independent review of the case. We further notified Williamson that he had until May 22, 2015, to file his own appellate brief, but Williamson did not do so.

{¶4} After determining that appellant’s counsel has satisfied the requirements pursuant to *Anders*, this court then “examines the proceedings below to determine if any meritorious issues exist. If we conclude the appeal is wholly frivolous, we may grant counsel’s request to withdraw and dismiss the appeal without violating constitutional requirements, or we may proceed to a decision on the merits if state law so requires.” *Torres* at ¶ 4, citing *Anders*.

{¶5} In this case, Williamson was resentenced in November 6, 2014, at which time he was advised that he would be subject to a mandatory five-year period of postrelease control.

{¶6} Williamson's appointed counsel states in his *Anders* brief that he extensively reviewed the record, including the transcript of the proceedings, and concluded that there are no meritorious arguments that he could make on Williamson's behalf. Counsel sets forth a potential argument pursuant to *Anders*: whether the appellant was properly and sufficiently advised of postrelease control at the November 6, 2014 hearing.

{¶7} After an independent examination of Williamson's case, we find no error and affirm the trial court's judgment and grant appointed counsel's motion to withdraw.

{¶8} The transcript shows the following:

Court: You're hereby advised that in the event that you're ever released from a state penal institution, you'll be on five years of post-release control.
Your failure to comply with the terms and conditions of postrelease control could result in further administrative time, normally it's 50 percent of whatever sentence I've imposed; whatever 50 percent of 12 life sentences is, in the event that you're ever released. Or you could be charged with additional criminal charges.

* * *

When I say five years, that is a mandatory five years. That is a mandatory five years.

(Tr. 22.) Based upon our review of the transcript, the trial court did comply with the remand as directed by this court in *Williamson*, 8th Dist. Cuyahoga Nos. 100563 and 101115, 2014-Ohio-3909, that was for the limited purpose of "advisement of postrelease control."

{¶9} We, therefore, conclude that this appeal is wholly frivolous pursuant to *Anders*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493. There are no arguable legal points on the merits of this matter. Counsel's request to withdraw is granted, and we affirm the trial court's judgment.

Costs to appellant.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

TIM McCORMACK, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and
MELODY J. STEWART, J., CONCUR