[Cite as *State v. Smith*, 2026-Ohio-4429.]

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

WARREN COUNTY

STATE OF OHIO,	:	
		CASE NO. CA2026-06-061
Appellee,	:	
		DECISION AND
vs.	:	JUDGMENT ENTRY
		11/9/2026
DUSTIN GRAHAM SMITH,	:	
Appellant.	:	
	:	

CRIMINAL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 24CR42130

David P. Fornshell, Warren County Prosecuting Attorney, and Kirsten A. Brandt, Assistant Prosecuting Attorney, for appellee.

Timothy J. McKenna, for appellant.

D E C I S I O N

Per Curiam.

{¶1} This cause came on to be considered upon a notice of appeal filed by appellant, Dustin Graham Smith, the transcript of the docket and journal entries, the

transcript of proceedings and original papers from the Warren County Court of Common Pleas, and upon the brief filed by appellant's counsel.

{¶2} Appellant's counsel has filed a brief with this court pursuant to *Anders v. California*, 386 U.S. 738 (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 two potential errors "that might arguably support the appeal," *id.* at 744; (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} Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court. 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.

HENDRICKSON, P.J., PIPER and M. POWELL, JJ., concur.

JUDGMENT ENTRY

The brief of appellant, filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), properly before this court and having been considered by the court, it is ordered that the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is hereby dismissed for the reason that it is wholly frivolous.

It is further ordered that a mandate be sent to the Warren County Court of Common Pleas for execution upon this judgment and that a certified copy of this Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed to appellant.

/s/ Robert A. Hendrickson, Presiding Judge

/s/ Robin N. Piper, Judge

/s/ Mike Powell, Judge