

[Cite as *State v. Cecil*, 2022-Ohio-2971.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MIAMI COUNTY**

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| STATE OF OHIO | : | |
| | : | |
| Plaintiff-Appellee | : | Appellate Case No. 2021-CA-39 |
| | : | |
| v. | : | Trial Court Case No. 2018-CR-483 |
| | : | |
| DAVID CECIL, JR. | : | (Criminal Appeal from |
| | : | Common Pleas Court) |
| Defendant-Appellant | : | |
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OPINION

Rendered on the 26th day of August, 2022.

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PAUL M. WATKINS, Atty. Reg. No. 0090868, Assistant Prosecuting Attorney, Miami County Prosecutor's Office, Appellate Division, 201 West Main Street, Ohio 45373
Attorney for Plaintiff-Appellee

JOHN C. CUNNINGHAM, Atty. Reg. No. 0082475, 2555 S. Dixie Drive, Suite 204, Dayton, Ohio 45409
Attorney for Defendant-Appellant

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DONOVAN, J.

{¶ 1} Defendant-appellant David Cecil, Jr., appeals from his convictions for one count of possession of drugs (heroin), in violation of R.C. 2925.11(A)/(C)(6)(d), and one count of possession of drugs (cocaine), in violation of R.C. 2925.11(A)/(C)(4)(d), both felonies of the second degree. Cecil's appellate counsel filed a brief under the authority of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting the absence of any non-frivolous issues for appeal, and he has asked permission to withdraw as counsel. Counsel has failed to identify any potential assignments of error, and Cecil has not filed a brief on his own behalf.

Procedural History

{¶ 2} On August 29, 2018, Cecil was indicted for two counts of possession of drugs. The charges were related to an incident which occurred on November 13, 2017, when Cecil was stopped by the police in his vehicle. The vehicle was later searched, and illegal drugs were discovered by the police. Cecil later admitted that he had been transporting the drugs for another party and that he was to be paid \$5,000 for his services.

{¶ 3} On July 30, 2021, Cecil pled guilty to both counts of possession of drugs. The parties jointly recommended that Cecil's sentences be served concurrently. Additionally, the State agreed to remain silent at sentencing.

{¶ 4} On December 9, 2021, the trial court sentenced Cecil to four years in prison on each count in the indictment, ordering the sentences to be served concurrently. The trial court also suspended Cecil's driver's license for four years and waived the mandatory fine after reviewing Cecil's affidavit of indigency.

{¶ 5} Cecil filed a timely notice of appeal on December 15, 2021.

Analysis

{¶ 6} As previously stated, appointed counsel has filed an appellate brief pursuant to *Anders*, asserting the absence of any non-frivolous issues for appeal. Accordingly, we have performed our duty to independently conduct a thorough and complete examination of all the proceedings to determine whether this appeal is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988), citing *Anders*, 386 U.S. at 744, 87 S.Ct. 1396, 18 L.Ed.2d 493. Our review included scrutiny of the entire record, including the docketed filings, the plea hearing and sentencing hearing transcripts, and the presentence investigation report. We agree with appointed counsel's assessment that there are no appealable issues with arguable merit.

Conclusion

{¶ 7} Our independent review of the record reveals no non-frivolous issues for appeal. We agree with appellate counsel that Cecil's appeal is frivolous. We grant counsel's request to withdraw from representation. The judgment of the trial court is affirmed.

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TUCKER, P.J. and WELBAUM, J., concur.

Copies sent to:

Paul M. Watkins
John C. Cunningham
David Cecil, Jr.
Hon. Jeannine N. Pratt