

IN THE SUPREME COURT OF OHIO

11-0364

KEITH BRYANT
Defendant-Appellant,

vs.

STATE OF OHIO
Plaintiff-Appellee.

) **On Appeal from the Hamilton County**
) **Court of Appeals,**
) **First Appellate District**
)
) **Court of Appeals Nos: C 100067 &**
) **C 100086**
)
) **Trial Court Case No: B 0808990 &**
) **B 0808792**

MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT KEITH BRYANT

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MAR 07 2011
CLERK OF COURT
SUPREME COURT OF OHIO

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I. THIS CASE INVOLVES A FELONY

Appellant Keith Bryant respectfully requests that this Honorable Court review his case and the decision of the First District Court of Appeals, finding that there were no reasonable grounds to support a meritorious appeal.

II. STATEMENT OF THE CASE

A. Procedural Posture

This consolidated appeal involves two cases. In case number B 0808990, Defendant-Appellant, Keith Bryant, was indicted on three counts of aggravated robbery, three counts of robbery, one count of forgery, and one count of felonious assault on November 14, 2008.

(Indictment, case number B 0808990, T.d. 1). In case number B 0808792, Keith Bryant was indicted on two counts of forgery and one count of attempted theft on November 10, 2008.

(Indictment, case number B 0808792, T.d. 1).

On January 19, 2010, Keith Bryant entered guilty pleas pursuant to an agreed sentence in both cases, and pleaded guilty to counts 1 and 3 of case B 0808792 (Entry Withdrawing Plea of Not Guilty and Entering a Plea of Guilty, T.d. 26), and to counts 2, 5, and 7 in case number B 0808990 (Entry Withdrawing Plea of Not Guilty and Entering Plea of Guilty, T.d. 88), with the remaining counts dismissed. The trial court sentenced Keith Bryant to an aggregate of ten years in the Ohio Department of Corrections on February 1, 2010 (Judgment Entry, case number B 0808990, T.d. 93). Keith Bryant filed his Notice of Appeal on February 3, 2010 (Notice of Appeal, case number B 0808990, T.d. 94). On August 25, 2010, Appellant's counsel filed an *Ander's* brief, and a Motion to Withdraw, after concluding that there were no reasonable grounds

to support a meritorious appeal. On January 21, 2011, the First District Court of Appeals rendered its decision, where it concurred with Appellant's counsel, and affirmed the judgment of the trial court (see Appendix A-2).

B. Statement of the Facts

The State alleged that in late 2008, Keith Bryant committed several crimes. On October, 18, 2008, it is alleged that Keith Bryant entered an Ohio Check Cashers store, and cashed a counterfeit check for \$457.28. (Bill of Particulars, Case Number B 0808990, T.d. 8). On October 31, 2008, the State alleges that Keith Bryant attempted to cash a counterfeit check for \$2066.42, but was apprehended in the store before the attempt came to fruition. On November 1, 2008, it is alleged that Keith Bryant entered a Checksmart store and presented a counterfeit check for \$2174.62, and was apprehended after a short foot chase. (Bill of Particulars, Case Number B 0808792, T.d. 7). On November 6, 2008, the State alleged that Keith Bryant went to the home of his friend, Donna Grigsby, demanded money from her, and when Grigsby refused to give Bryant money upon demand, he allegedly stabbed her and took \$160.00 in cash and a food stamp card. On November 7, 2008, the State alleged that Keith Bryant entered the Cincinnati Central Credit Union, approached a teller, and gave her a letter indicating her had a bomb and would explode it unless he was given money. The teller allegedly gave Keith Bryant \$209.98 and he fled. Finally, on November 8, 2008, the State alleged that Keith Bryant entered an Ohio Check Cashers store, went up to the teller and produced a threatening letter demanding money. The teller allegedly gave Keith Bryant \$2,000.00 whereupon he fled from the store. (Bill of Particulars, Case Number B 0808990, T.d. 8).

III. LAW AND ARGUMENT

Appellant asks this Honorable Court to review the First District Court of Appeal's decision upholding the trial court's decision, Appellant's counsel's determination that there were no issues of merit to appeal. Counsel for Mr. Bryant conscientiously examined the entire record for errors in this case. This case involved a plea agreement and agreed sentence, and based upon Ohio Revised Code Section 2953.08, counsel found no errors. Counsel for Mr. Bryant also contacted Mr. Bryant and explained this fact.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Honorable Court to reverse the lower court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served this 4th day of March 2011,
upon the Office of the Hamilton County Prosecutor via U.S. Mail.

A handwritten signature in black ink, appearing to read "T. Bicknell", written over a horizontal line.

Timothy J. Bicknell (0084571)

Attorney for Appellant

APPENDIX

Entry Appointing Appellate Counsel.....A-1

Judgment Entry, First District Court of Appeals Case No. C 0900873 (15 October 2010).....A-2

A-1

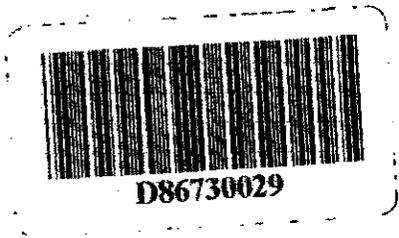
ENTERED
JAN 19 2010

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO : CASE NO. B0808792
Plaintiff :
-vs- : ENTRY APPOINTING
Keith Bryant : APPELLATE COUNSEL
Defendant :

It appearing to the Court that the defendant is in indigent circumstances, and unable to employ counsel, and has indicated to the Court his or her desire to appeal the within judgment of conviction, the Court hereby appoints: _____

Timothy Becknell
to represent the defendant as counsel in the within cause for the purpose of prosecuting said appeal in the Court of Appeals, and, if necessary, in the Supreme Court of this State.



Judge John Andrew West

ENTER

JAN 19 2010
John Andrew West
JUDGE JOHN ANDREW WEST

ENTERED
JAN 19 2010

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

STATE OF OHIO : CASE NO. B 0808990
Plaintiff :
-vs- : ENTRY APPOINTING
Kerr Bryant : APPELLATE COUNSEL
Defendant :

It appearing to the Court that the defendant is in indigent circumstances, and unable to employ counsel, and has indicated to the Court his or her desire to appeal the within judgment of conviction, the Court hereby appoints: _____

_____ Timothy Becknell _____

to represent the defendant as counsel in the within cause for the purpose of prosecuting said appeal in the Court of Appeals, and, if necessary, in the Supreme Court of this State.

Judge John Andrew West



ENTER

JAN 19 2010

John Andrew West
JUDGE JOHN ANDREW WEST

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

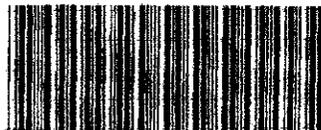
STATE OF OHIO,	:	APPEAL NOS. C-100067
	:	C-100086
Plaintiff-Appellee,	:	TRIAL NOS. B-0808990
	:	B-0808792
vs.	:	
KEITH BRYANT,	:	
	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

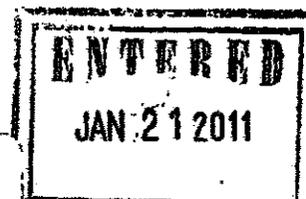
Defendant-appellant Keith Bryant was indicted under two separate case numbers. In the case numbered B-0808990, Bryant was charged with one count of forgery, three counts of aggravated robbery, three counts of robbery, and one count of felonious assault. In the case numbered B-0808792, Bryant was charged with two counts of forgery and one count of attempted theft.

Following a plea hearing, Bryant withdrew his not-guilty pleas and pleaded guilty to three counts of aggravated robbery in the case numbered B-0808990 and to two counts of forgery in the case numbered B-0808792. In exchange for Bryant's guilty pleas, the state agreed to dismiss the remaining charges. The trial court imposed an agreed sentence of ten years in prison.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.



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After reviewing the record and the applicable law, Bryant's appointed counsel, pursuant to *Anders v. California*,² states in his brief that he has found no errors in the proceedings below, and he has filed a motion to withdraw as counsel. Counsel, as required by *Anders*, has given Bryant an opportunity to provide grounds for this appeal, and attached to his brief are the legal points that Bryant wished to raise.³

After reviewing the entire record, we concur in counsel's conclusion that the proceedings below were free of error prejudicial to Bryant and that there are no reasonable grounds to support a meritorious appeal.⁴ We, therefore, overrule counsel's motion to withdraw from his representation of Bryant and affirm the judgment of the trial court.

Although we have concluded that this appeal is frivolous pursuant to App.R. 23 and without "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Bryant because it appears from the record that he is indigent.

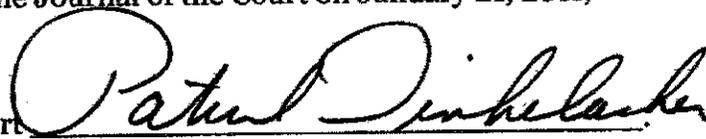
A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and FISCHER, JJ.

To the Clerk:

Enter upon the Journal of the Court on January 21, 2011,

per order of the Court



Presiding Judge

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

³ Id. at 744.

⁴ Id.

