

[Cite as *State v. Robinson*, 2010-Ohio-3119.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 23796
v.	:	T.C. NO. 2009 CR 2994
EDWARD L. ROBINSON	:	(Criminal appeal from Common Pleas Court)
Defendant-Appellant	:	

**OPINION**

Rendered on the 2nd day of July, 2010.

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EDWARD L. ROBINSON, #617744, London Correctional Institute, P. O. Box 69, London, Ohio 43140  
Defendant-Appellant

DONOVAN, P.J

{¶ 1} This is an appeal from a judgment of the Montgomery County Court of Common Pleas that found Appellant guilty of tampering with evidence on November 5, 2009.

{¶ 2} Appellant was indicted on one count of tampering with evidence, in violation of R.C. 2913.42(A)(2). There was also a community control revocation filed in Montgomery County Court of Common Pleas, stemming from Case No. 2001 CR 856. Appellant entered a plea of no contest to the tampering with evidence charge on November 5, 2009. On the basis of Appellant's no contest plea, and finding of guilty, the trial court determined that Appellant had violated his community control sanctions on the 2001 conviction. Appellant was sentenced to one year for tampering with evidence, and six months for the community control violation. The two sentences were to be served concurrently, for an aggregate sentence of one year. An appeal was later filed on March 15, 2010.

{¶ 3} Appointed counsel for the Appellant, P. J. Conboy II, submitted a brief under the authority of *Anders v. California* (1976), 386 U.S. 738. Appellant's counsel states that, after reviewing the record of the trial court proceedings, he could not find any issues for appeal.

{¶ 4} *Anders v. California* sets forth the procedure appointed appellate counsel must follow when he/she wishes to withdraw for lack of any meritorious appealable issues. In *Anders*, the United States Supreme Court held that if counsel does a conscientious examination of the case and determines an appeal to be frivolous, counsel should advise the court and then should request permission to withdraw. *Anders v. California*, 386 U.S. 744. Counsel must also give his/her client a copy of the brief along with the request to withdraw. *Id.* The attorney's client then must be given sufficient time to raise any matters he so chooses. *Id.* After those requirements are satisfied, the appellate court must conduct a thorough

examination of the proceedings to determine if the appeal is actually frivolous. *Id.* If the appellate court does determine the appeal is frivolous, it may then grant counsel's request to withdraw and then dismiss the appeal without violating any constitutional requirements, or the court can proceed to a decision on the merits if state law requires it. *Id.*

{¶ 5} Appellant's appointed counsel satisfied the requirements of *Anders v. California*. We notified Appellant of his appellate counsel's representation and offered him ample time to file a pro se brief. None has been received. This court has examined the entire record to determine if this appeal is frivolous or has merit.

{¶ 6} Upon an independent review of the record, we have found no potential assignments of error having arguable merit. Appellant's appeal is found to be frivolous.

{¶ 7} Accordingly, the judgment is affirmed.

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FAIN, J., concurs.

GRADY, J., concurs in judgment only.

Copies mailed to:

Carley J. Ingram  
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Edward L. Robinson  
Hon. Mary L. Wiseman