

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

In the Matter of: :
 :
 :
 [W.B., an Adjudicated Delinquent Child]. : Case No: 09CA25
 :
 : **DECISION AND**
 : **JUDGMENT ENTRY**
 :
 :
 : File-stamped date: 3-25-10

APPEARANCES:

Samantha J. Fields, Ironton, Ohio, for Appellant.

J.B. Collier, Lawrence County Prosecuting Attorney, and Kevin J. Waldo, Lawrence County Assistant Prosecuting Attorney, Ironton, Ohio, for Appellee.

Kline, J.:

{¶1} W.B. appeals the trial court’s judgment, which revoked his previously imposed community control sanctions and committed him to the custody of the Ohio Department of Youth Services. On appeal, W.B.’s counsel has filed a brief with this Court pursuant to *Anders v. California* (1967), 386 U.S. 738. In her brief, W.B.’s counsel indicates that she has reviewed the record, states she can find no meritorious issues for appeal, and requests leave to withdraw. We have conducted an independent review of the record, and after consideration, we agree with W.B.’s counsel. Accordingly, we grant her motion to withdraw and affirm the judgment of the trial court.

{¶2} In this case, the State filed a complaint on April 21, 2009, which alleged that W.B. was a delinquent child because he engaged in conduct that violated the laws of this state. The complaint alleged that W.B. had committed six acts, each of which would

have constituted a felony under the laws of Ohio if committed by an adult. The first three counts alleged that W.B. had committed arson in violation of R.C. 2909.03, and these offenses were alleged to be fourth degree felonies. The last three counts alleged that W.B. had committed breaking and entering in violation of R.C. 2911.13, and these offenses were alleged to be fifth degree felonies.

{¶3} At a hearing held on May 22, 2009, W.B. admitted to the allegations in the complaint. At the same hearing, the State amended the complaint to reflect that count three, the third arson count, was a first degree misdemeanor rather than a fourth degree felony.

{¶4} On May 29, 2009, the trial court found W.B. to be a delinquent child based on admitted violations of Ohio law. The trial court committed W.B. to the legal custody of the Ohio Department of Youth Services for institutionalization for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed W.B.'s twenty-first birthday for each felony. However, the trial court suspended that sentence, and it placed W.B. on probation under the supervision of its probation department for one year.

{¶5} As a term of this probation, W.B. was placed in the Hocking Valley Community Residential Center ("Center") for participation in its programs. As additional conditions of his probation, W.B. was to remain at the Center until (1) he had completed the program and (2) the Center had discharged him. Finally, as a condition of his probation, W.B. was ordered not to violate any criminal laws prior to his reaching the age of twenty-one.

{¶16} On August 4, 2009, a probation officer filed a motion to revoke W.B.'s probation. The motion alleged that W.B. had escaped from the Center on August 3, 2009.

{¶17} Again, W.B. admitted to the allegations in the motion. The trial court ordered that W.B. be committed to the Ohio Department of Youth Services for a minimum period of six months to a maximum age of twenty-one for the two counts of arson, felonies of the fourth degree. The trial court further ordered that both of those commitments should run consecutively. Finally, the trial court ordered that W.B. be committed on three counts of breaking and entering, felonies of the fifth degree, for a minimum period of six months to a maximum age of twenty-one, and the trial court ordered that those commitments shall run concurrent with the arson commitments.

{¶18} Following this disposition, W.B. wrote a handwritten letter to the trial judge indicating his desire to appeal the present case. Pursuant to this letter, the trial court appointed counsel for W.B., and this counsel has prepared the present appeal.

{¶19} However, after reviewing the record, W.B.'s counsel filed a brief with this court in accordance with the United States Supreme Court decision in *Anders*. The *Anders* opinion outlined the appropriate procedure for an appointed attorney who found the appeal they were retained to file wholly without merit. *Anders* at 744. The brief, in this case, indicated that W.B.'s counsel had reviewed the record and could find no appealable issues in the present case. W.B.'s counsel neither provided this Court with potential assignments of error nor served W.B. with the *Anders* brief. This is not the preferred course of action in *Anders* briefs. See *Anders* at 744-45. However, W.B.'s counsel explains why she could not find any appealable issues with citations to the Rules of Juvenile Procedure and the Ohio Revised Code. And this Court served W.B.

with a copy of his counsel's *Anders* brief along with a notification to W.B. of his right to respond. As such, we are satisfied that the brief minimally complies with the requirements of *Anders*. We further note that W.B. has not seen fit to file a pro-se brief in this case.

{¶10} We have conducted an independent review of the record, and after consideration, we agree with W.B.'s counsel. The dispositional orders entered in this case are authorized under R.C. 2152.16(A)(1)(e) and R.C. 2152.19(A)(2)&(4). In reviewing the transcript provided to us, we further find that the trial court in this case complied with the requirements of the Rules of Juvenile Procedure. Therefore, having determined that the proceedings below complied with the law both substantively and procedurally, we find that there are no appealable issues in the present appeal.

{¶11} Accordingly, we affirm the judgment of the trial court and grant the motion of W.B.'s counsel to withdraw.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT BE AFFIRMED and appellant pay the costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Lawrence County Court of Common Pleas, Juvenile Division, 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. Exceptions.

McFarland, P.J. and Harsha, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Roger L. Kline, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.