

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

STATE OF OHIO,	:	APPEAL NO. C-080178
	:	TRIAL NO. B-0709598
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DAESHAUN MORRIS,	:	
	:	
Defendant-Appellant.	:	

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

Defendant-appellant Daeshawn Morris was charged with trafficking in cocaine² and possession of cocaine.³ After withdrawing his not guilty plea, Morris agreed to plead guilty to the trafficking charge and receive two years' incarceration. The court agreed to dismiss the possession charge.

On appeal, counsel for Morris has filed a brief in accordance with *Anders v. California*, stating that counsel has conscientiously reviewed the record and has found no nonfrivolous grounds on which to appeal.⁴ Counsel requests permission to withdraw and, as required by *Anders*, requests that this court independently examine the record to determine if the proceedings below were free of prejudicial error. Counsel has properly notified Morris of the filing of this *Anders* brief, providing sufficient time for Morris to provide grounds for this appeal. Morris has chosen not to do so.

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

² R.C. 2925.03(A)(2).

³ R.C. 2925.11(A).

⁴ *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396.

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After examining the entire record, we are satisfied that counsel has provided Morris with a diligent and thorough review of the proceedings, and that the proceedings below were free of prejudicial error.

We conclude that Morris's appeal is without merit and wholly frivolous. Therefore, we overrule counsel's motion to withdraw and affirm the judgment of the trial court.

Although we hold that this appeal is frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Morris because he is clearly indigent. Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

PAINTER, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on January 21, 2009
per order of the Court _____.
Presiding Judge