

OHIO COURT OF APPEALS, TWELFTH APPELLATE DISTRICT

State of Ohio v. Shiviez Montrel Howard

State v. Howard, 2026-Ohio-1232 · No. CA2025-07-073 · Decided April 6, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio reviewed an Anders brief in Shiviez Montrel Howard's criminal appeal. The court found no prejudicial error, granted appointed counsel's motion to withdraw, and dismissed the appeal as wholly frivolous.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth Appellate District
WRITING FOR THE COURT	Robert A. Hendrickson, Presiding Judge; Robin N. Piper, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Butler County
DECIDED	April 6, 2026
DOCKET	CA2025-07-073
DISPOSITION	dismissed
PROCEDURAL POSTURE	Criminal appeal from the Butler County Court of Common Pleas; appointed appellate counsel filed an Anders brief and moved to withdraw.
STANDARD OF REVIEW	Independent review of the record for prejudicial error and infringement of the appellant's constitutional rights under Anders v. California.
PRECEDENTIAL VALUE	Published
PARTIES	Shiviez Montrel Howard v. State of Ohio

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate procedure
- right to counsel

QUESTIONS PRESENTED

1. Whether independent review of the record disclosed any prejudicial error or infringement of Howard's constitutional rights.
2. Whether appellate counsel should be permitted to withdraw under the Anders procedure.
3. Whether the appeal should be dismissed as wholly frivolous.

HOLDINGS

1. After independently examining the record, the court found no error prejudicial to Howard's rights in the trial-court proceedings.
2. The court granted appellate counsel's motion to withdraw after reviewing the Anders brief and independently examining the record.
3. The appeal was dismissed because it was wholly frivolous.

FACTUAL BACKGROUND

The opinion contains no substantive account of the underlying criminal conduct or conviction. The material facts for the appeal are that Howard appealed from the Butler County Court of Common Pleas, counsel identified two potential errors in an Anders brief, and Howard did not file a response after being given sufficient time.

PROCEDURAL HISTORY

Howard appealed from the Butler County Court of Common Pleas. His counsel filed an Anders brief stating that a careful review disclosed no prejudicial error, identifying two potential errors, requesting independent appellate review, and seeking withdrawal. After allowing Howard time to respond and receiving no response, the appellate court independently examined the record, found no prejudicial error, granted counsel's motion to withdraw, and dismissed the appeal as wholly frivolous.

DISPOSITION

dismissed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)

OPINION

PER CURIAM.

[Cite as State v. Howard, 2026-Ohio-1232.] IN THE COURT OF APPEALS TWELFTH APPELLATE DISTRICT OF OHIO BUTLER COUNTY STATE OF OHIO,: CASE NO. CA2025-07-073 Appellee,: DECISION AND JUDGMENT ENTRY - vs -: 4/6/2026 SHIVIEZ MONTREL HOWARD, Appellant. CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS Case No. CR2024-10-1513 Michael T. Gmoser, Butler County Prosecuting Attorney, and Michael Greer, Assistant Prosecuting Attorney, for appellee.

Christopher Frederick, for appellant. _____ DECISION Per Curiam. {¶1} This cause came on to be considered upon a notice of appeal filed by appellant, Shiviez Montrel Howard, the transcript of the docket and journal entries, the transcript of proceedings and original papers from the Butler County Court of Common Pleas, and upon the brief filed by appellant's counsel.

Butler CA2025-07-073 {¶2} Appellant's counsel has filed a brief with this court pursuant to *Anders v. California*, 386 U.S. 738 (1967), which (1) indicates that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists two potential errors "that might arguably support the appeal," *Id.* at 744; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant. {¶3} Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court.

The motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous. HENDRICKSON, P.J., PIPER and SIEBERT, JJ., concur. -2- Butler CA2025-07-073 JUDGMENT ENTRY The brief of appellant, filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), properly before this court and having been considered by the court, it is ordered that the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is hereby dismissed for the reason that it is wholly frivolous.

It is further ordered that a mandate be sent to the Butler County Common Pleas Court for execution upon this judgment and that a certified copy of this Decision and Judgment Entry shall constitute the mandate pursuant to App.R. 27. Costs to be taxed to appellant. /s/ Robert A. Hendrickson, Presiding Judge /s/ Robin N. Piper, Judge /s/ Melena S. Siebert, Judge -3-