

**COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT, BUTLER
COUNTY**

State v. Duncan

2022-Ohio-1983 (Ohio Ct. App. 2022) · No. CA2021-12-150; CA2021-12-151 · Decided June 13, 2022

SUMMARY

The Twelfth District Court of Appeals of Ohio reviewed an Anders brief in Joshua Ryan Duncan's criminal appeal. After independently examining the record and finding no prejudicial error, the court granted appointed counsel's motion to withdraw and dismissed the appeal as wholly frivolous.

OPINION

PER CURIAM.

[Cite as State v. Duncan, 2022-Ohio-1983.] IN THE COURT OF APPEALS TWELFTH APPELLATE DISTRICT OF OHIO BUTLER COUNTY STATE OF OHIO,: Appellee,: CASE NOS. CA2021-12-150 CA2021-12-151 - vs - DECISION: 6/13/2022 JOSHUA RYAN DUNCAN,: Appellant,: APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS Case No. CR2020-09-1246 Michael T. Gmoser, Butler County Prosecuting Attorney, for appellee.

Engel & Martin, LLC, and Mary K. Martin, for appellant. Per Curiam. {¶1} This cause came on to be considered upon a notice of appeal filed by appellant, Joshua Ryan Duncan, 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. {¶2} Appellant's counsel has filed a brief with this court pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct.

1396 (1967), which (1) indicates that a careful review of Butler CA2021-12-150 CA2021-12-151 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 three potential errors "that might arguably support the appeal," Anders, at 744, 87 S.Ct. at 1400; (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. M. POWELL, P.J., PIPER and BYRNE, JJ., concur.

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