

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

STATE OF OHIO,	:	APPEAL NO. C-210365
	:	TRIAL NO. B-2003858
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
BRET HOUSTON,	:	
Defendant-Appellant.	:	

The court sua sponte removes this case from the regular calendar and places it on the court's accelerated calendar, 1st Dist. Loc.R. 11.1.1(A), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E).

In June 2021, defendant-appellant Bret Houston pled guilty to attempted failure to provide notice of his residential change of address, a fourth-degree felony under R.C. 2923.02(A). The trial court sentenced Mr. Houston to five years of community control. Approximately ten days later, Mr. Houston violated his community control when he was arrested for operating a vehicle while under the influence. The trial court ordered him to serve 18 months, the maximum sentence allowed for the felony to which he pled guilty.

Mr. Houston's counsel advised this court that, after a thorough review of the record, he can find nothing that would arguably support appellant's appeal. See *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Counsel, as required by *Anders*, has communicated this conclusion to Mr. Houston, and offered appellant an opportunity to respond and to raise any issues. Counsel received no reply from Mr. Houston. Counsel also moved this court for permission to withdraw as counsel. See

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Anders at 744; *see also* 1st Dist. Loc.R. 16.2(C)(1) and 16.2(D)(2). Counsel now requests that this court independently examine the record to determine whether the appeal is wholly frivolous. *See Anders* at 744.

Having done so, we agree with counsel's conclusion that the proceedings below were free of error prejudicial to appellant and that no grounds exist to support a meritorious appeal. The trial court complied with all aspects of Crim.R 11(C) and properly advised Mr. Houston of his post-release control requirements before accepting Mr. Houston's guilty plea. Counsel suggested to this court that Mr. Houston may take issue with receiving the maximum sentence of 18 months. However, the trial court's sentence fell within the statutory range and did not exceed the amount of time the trial court told Mr. Houston at sentencing he would receive if he violated the terms of his community control. Therefore, we overrule counsel's motion to withdraw from his representation of Mr. Hosuton, and affirm the judgment of the trial court. We hold that this appeal is frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35. But we refrain from taxing costs and expenses against appellant because he is indigent.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MYERS, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on February 16, 2022,
per order of the court_____.

Presiding Judge