

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

STATE OF OHIO,	:	APPEAL NO. C-200163
	:	TRIAL NO. B-1703918
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
AARON GIBBS,	:	
Defendant-Appellant.	:	

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

In February 2020, defendant-appellant Aaron Gibbs entered a guilty plea to one count of nonsupport of dependents in violation of R.C. 2919.21(B). Citing Mr. Gibbs's prior convictions for nonsupport, the trial court imposed a sentence of 12 months' incarceration.

Mr. Gibbs's appointed counsel has advised this court that, after a thorough review of the record, she can find nothing that would arguably support Mr. Gibbs's appeal, and that the appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *see also Freels v. Hills*, 843 F.2d 958 (6th Cir.1988). Counsel, as required by *Anders*, has communicated this conclusion in writing to Mr. Gibbs, and has offered him an opportunity to respond and to raise any issues. Counsel

has also moved this court for permission to withdraw as counsel. *See 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. We have done so, and 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) when it accepted Mr. Gibbs's guilty plea. Mr. Gibbs was properly advised of his post-release control requirements prior to the court's acceptance of his plea. The trial court's sentence fell within the statutory range, and nothing suggests that the trial court failed to consider the sentencing factors in R.C. 2929.11 and 2929.12. Although community control was an option in this case, the trial court cited valid considerations in support of its decision to incarcerate Mr. Gibbs. Finally, in imposing this sentence consecutively to a nine-month sentence that Mr. Gibbs was already serving, the trial court made the necessary findings under R.C. 2929.14(C)(4). Therefore, we overrule counsel's motion to withdraw from her representation of Mr. Gibbs, 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 Mr. Gibbs 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.

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

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on May 21, 2021,
per order of the court_____.

Administrative Judge