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

STATE OF OHIO,	:	APPEAL NO. C-230125
		TRIAL NO. B-2200914
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
ARIC MANLEY ALLMAN,	:	
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(C)(1), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.

The state indicted defendant-appellant Aric Manley Allman on two counts: trafficking in marijuana, in violation of R.C. 2925.03(A)(2), and possession of marijuana, in violation of R.C. 2925.11(A). In exchange for the dismissal of Count 1 for trafficking, he pled guilty to Count 2 for possession of marijuana. The trial court sentenced him to two years of community control with a possible 12-month sentence in the Ohio Department of Corrections for any violation of the terms and conditions of community control. He did not appeal to challenge this plea or sentence.

Approximately eight months later, the probation department filed a complaint alleging that he violated the rules of community control. Specifically, they alleged that he was incarcerated in the Butler County jail on charges of possession of drugs and drug paraphernalia in January 2023 and in the Clermont County jail on a charge of aggravated possession of drugs in February 2023. Additionally, they asserted that he repeatedly failed to provide a verifiable

residence and, after being placed on weekly check-ins, failed to check in with his supervising authority.

At the subsequent revocation hearing, he was represented by counsel and pleaded no contest to the community control violations. The trial court terminated his community control and sentenced him to nine months in the Ohio Department of Corrections, crediting him with 18 days of time served. He now appeals.

Mr. Allman's appointed counsel advised this court that he performed a conscientious review of the record in this case and could find no issues of arguable merit that would support Mr. Allman's appeal. *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,* communicated this conclusion to Mr. Allman via letter. To date, Mr. Allman has not responded to this letter from counsel. Mr. Allman's counsel has moved this court for permission to withdraw as counsel and requested that we 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 Mr. Allman and that no grounds exist to support a meritorious appeal.

A review of this record shows that the trial court complied with Crim.R. 32.3 and the requirements of due process. At Mr. Allman's initial sentencing hearing, the trial court notified Mr. Allman that he may be placed on community control, explained what that meant, and warned of the additional incarceration he faced if he violated community control or committed a new felony.

On the record at hand, substantial evidence existed to establish that Mr. Allman was guilty of violating the terms of his community control. The court imposed a sentence of nine months, which was appropriate under the law.

Therefore, we overrule counsel's motion to withdraw from his representation of Mr. Allman 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.

ZAYAS, P.J., BERGERON and **KINSLEY, JJ.**

To the clerk:

Enter upon the journal of the court on <u>November 1, 2023,</u>
per order of the court_____.
<div align="center">Administrative Judge</div>