

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

STATE OF OHIO,	:	APPEAL NO. C-230616
	:	TRIAL NO. B-2303705
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHARLES KIMBER,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, 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(C)(1).

Defendant-appellant's appointed counsel has advised this court that, after a thorough review of the record, she can find nothing that would arguably support appellant'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*, attempted to contact Kimber to communicate her conclusions regarding his appeal and to offer him an opportunity to respond and to raise any issues. Despite her efforts, counsel was unable to contact Kimber. She was, however, informed by Kimber's trial counsel that Kimber no longer wished to pursue an appeal. 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).

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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 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. Therefore, we overrule counsel’s motion to withdraw from her representation of appellant, 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.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

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

To the clerk:

Enter upon the journal of the court on May 10, 2024,
per order of the court _____.
Administrative Judge