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

STATE OF OHIO,	:	APPEAL NO. C-260173 TRIAL NO. B-2303269
Plaintiff-Appellee,	:	
vs.	:	
MICHAEL TONEY,	:	*JUDGMENT ENTRY*
Defendant-Appellant.	:	

BOCK, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Defendant-appellant Michael Toney's appointed counsel has advised this court that, after a thorough review of the record, she can find nothing that would arguably support Mr. Toney's appeal and that the appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738 (1967); *see also Freels v. Hills*, 843 F.2d 958 (6th Cir. 1988). As required by *Anders*, counsel communicated this conclusion to Mr. Toney and offered him the opportunity to respond and to raise any issues. Counsel also moved for permission to withdraw as appellate counsel. *See Anders* at 744; *see also* 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 we agree with counsel's conclusion that the proceedings below were free of

error prejudicial to Mr. Toney and that no grounds exist to support a meritorious appeal. Therefore, we overrule counsel's motion to withdraw from her representation of Mr. Toney and we affirm the trial court's judgment.

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. Toney because he is indigent.

The court further orders that (1) a copy of this Judgment constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

ZAYAS, P.J., and **MOORE, J.,** concur.

To the clerk:

Enter upon the journal of the court on 10/30/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer A. Hensley
Administrative Judge