

{¶ 2} Ball was also convicted of felony offenses in 1999, in Montgomery County Common Pleas Court Case Nos. 99-CR-3516 and 99-CR-2575. Shortly before his release from prison, he was brought back before the trial court to correct errors in the post-release control provisions in all three cases. The trial court re-sentenced him in all three cases.

{¶ 3} Ball appealed from each of the re-sentencing entries. His assigned appellate counsel filed a single brief, in all three appeals, in which she asserted that Ball could not be re-sentenced in the 1999 cases, because he had completed his prison sentence in each of those cases. Ball's counsel made no assertion of error with respect to the resentencing in Montgomery County Common Pleas Case No. 05-CR-726, which is the subject of this appeal.

{¶ 4} With respect to the re-sentencings in the 1999 cases, the State confessed error, and we reversed those judgments, because Ball had already completed serving those sentences before the re-sentencings occurred. *State v. Ball*, Montgomery App. Nos. 23924 and 23925, 2010-Ohio-5275. Upon inquiry, it was determined that assigned appellate counsel had not been able to find any potential assignments of error having arguable merit in this case – Montgomery App. No. 23923 – in which Ball had not completed serving his sentence at the time of the re-sentencing. We decided to treat Ball's brief in this appeal as a brief under the authority of *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493. By entry filed herein on October 14, 2010, we offered Ball the opportunity to file his own, pro se brief, within sixty days thereof. He has not done so.

{¶ 5} In this case, Ball was sentenced in 2005 on his plea of guilty to Burglary,

a felony of the second degree. He was sentenced to imprisonment for a term of five years. The sentence further provided that Ball was subject to post-release control for a period of five years.

{¶ 6} In February, 2010, Ball was brought before the trial court for re-sentencing. He was again sentenced to imprisonment for a term of five years. This time, he was subjected to a period of post-release control for a term of three years after his release from imprisonment – a reduction from the five-year term of post-release control to which he was originally sentenced.

{¶ 7} This appeal is from the February 12, 2010 entry that reduced the period of Ball’s post-release control from five years to three years. It is difficult to see how he was prejudiced by the order from which he appeals.

{¶ 8} We have performed our duty, under *Anders v. California*, supra, to review the record independently to determine whether there are any potential assignments of error having arguable merit. We have found none. Consequently, we conclude that this appeal is wholly frivolous. The judgment of the trial court is Affirmed.

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GRADY, P.J., and FROELICH, J., concur.

Copies mailed to:

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