

[Cite as *State v. Miliner*, 2002-Ohio-1787.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 18839
v.	:	T.C. NO. 00 CR 897
TARRY MILINER	:	
Defendant-Appellant	:	

OPINION

Rendered on the 12th day of April, 2002.

CARLEY J. INGRAM, Atty. Reg. No. 0020084, Assistant Prosecuting Attorney, 301 W. Third Street, 5th Floor, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

TARRY MILINER, #410-657, Lebanon Correctional Institute, P. O. Box 56, Lebanon, Ohio 45036
Defendant-Appellant

WOLFF, P. J.

{¶1} Tarry Miliner entered a plea of no contest to an indicted charge of possession of crack cocaine in an amount greater than ten grams but not exceeding twenty-five grams. He was found guilty by the trial court and sentenced to five years imprisonment to be served concurrently with a fifteen-year to life sentence on a murder charge of which he had been convicted. The court also

imposed a six-month license suspension. Miliner filed a notice of appeal, and counsel was appointed to prosecute the appeal. On December 3, 2001, appointed appellate counsel filed an *Anders* brief pursuant to *Anders v. California* (1967), 386 U.S. 738, wherein counsel represented to the court that after examination of the record, he could find no arguably meritorious issues for appellate review. By decision and entry of December 10, 2001, we informed Miliner that his appointed appellate counsel had filed an *Anders* brief and accorded Miliner sixty days within which to file a *pro se* brief assigning errors for review by this court. Miliner has not filed a brief with this court.

{¶2} Appointed appellate counsel filed a comprehensive nine-page appellate brief with this court wherein he identified two potential assignments of error and proceeded to explain, with admirable specificity, why these assignments of error were not meritorious.

{¶3} Pursuant to our responsibilities under *Anders*, we have thoroughly reviewed the record in this case and agree with the assessment of appointed appellate counsel that there are no arguably meritorious issues for appellate review.

{¶4} Accordingly, the judgment appealed from will be affirmed.

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GRADY, J. and YOUNG, J., concur.

Copies mailed to:

- Carley J. Ingram
- Edmund G. Loikoc
- Tarry Miliner
- Hon. Michael L. Tucker