

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT, CLARK COUNTY

State of Ohio v. Timothy Jones

State v. Jones, 2020 Ohio 9 (Ohio Ct. App. 2020) · No. 2019-CA-31 · Decided January 3, 2020

SUMMARY

The Ohio Second District Court of Appeals reviewed Timothy Jones's Anders appeal from his conviction for carrying a concealed weapon, revocation of community control, and consecutive 18-month prison sentence. After independently reviewing the record, the court found no issue of arguable merit and affirmed the trial court's judgment.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Clark County
WRITING FOR THE COURT	Welbaum, P.J.; Froelich, J.; Hall, J.
JURISDICTION	Ohio
DECIDED	January 3, 2020
DOCKET	2019-CA-31
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jones appealed his conviction for carrying a concealed weapon, revocation of community control sanctions, and consecutive prison sentence. Appointed appellate counsel filed an Anders brief identifying no issues with arguable merit, and Jones did not file a pro se brief.
STANDARD OF REVIEW	Under <i>Anders v. California</i> , the appellate court independently examines the entire record after counsel files a no-merit brief to determine whether the appeal is wholly frivolous and whether any issue has arguable merit.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Timothy Jones v. State of Ohio

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by imposing the eighteen-month sentence consecutively to the sentence in another case rather than concurrently.
2. Whether Jones understood the sentence imposed by the trial court.
3. Whether the record contained any nonfrivolous issue requiring reversal under Anders.

HOLDINGS

1. After independently reviewing the entire record, the court found no issue with arguable merit and determined that the appeal was wholly frivolous under Anders.
2. The trial court did not err in imposing the eighteen-month sentence consecutively to the twelve-month sentence imposed in the separate case.
3. The record did not demonstrate error based on Jones's alleged failure to understand his sentence because the trial court clearly stated the sentence at the sentencing hearing and in the sentencing entry.

KEY QUOTATIONS

“In an Anders review, we are required to decide “after a full examination of all the proceedings,” whether an appeal is “wholly frivolous.”” (§ 9)

“The trial court clearly stated the sentence on the record at the sentencing hearing and in its sentencing entry.” (§ 12)

FACTUAL BACKGROUND

Jones pleaded guilty to carrying a concealed weapon, and the trial court placed him on five years of community control with a stated potential eighteen-month prison sentence for a violation. He later violated community control by failing to report to jail as ordered and subsequently was convicted of possessing a deadly weapon while in detention during the period of community control. The trial court revoked community control and imposed an eighteen-month prison term consecutive to the twelve-month sentence in the separate case, citing Jones's new felony, lengthy criminal history, and prior supervision violations.

PROCEDURAL HISTORY

Jones pleaded guilty to carrying a concealed weapon after the State dismissed a charge of having weapons under disability. The trial court imposed community control, later found Jones violated its terms, and imposed an eighteen-month prison sentence consecutive to a twelve-month sentence in another case. The appellate court independently reviewed the record under Anders and affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- Penson v. Ohio, 488 U.S. 75, 84-85, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988)
- State v. Pullen, 2d Dist. Montgomery No. 19232, 2002-Ohio-6788, ¶ 4
- State v. Timothy L. Jones, 2d Dist. Clark No. 2018-CA-10, 2018-Ohio-4143
- State v. Timothy Jones, 2d Dist. Clark No. 2018-CA-94, 2019-Ohio-1548

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