

[Cite as *State v. Wolf*, 2020-Ohio-516.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	Appellate Case Nos. 28546, 28547,
	:	28548
v.	:	
	:	
CHRISTOPHER JOHN WOLF	:	Trial Court Case Nos. 2019-CR-
	:	1296/2, 2019-CR-1979/1, 2019-CR-
	:	2871
Defendant-Appellant	:	
	:	(Criminal Appeal from
	:	Common Pleas Court)

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OPINION

Rendered on the 14th day of February, 2020.

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WELBAUM, J.

{¶ 1} Defendant-Appellant, Christopher John Wolf appeals from his convictions for forgery and theft. On November 6, 2019, Wolf's appellate counsel filed a brief under the authority of *Anders v. California*, 386 U.S. 738, 87 S.Ct.1396, 18 L.Ed.2d 493 (1967), indicating there are no issues with arguable merit to present on appeal. On November 12, 2019, we notified Wolf that his appellate counsel found no meritorious claim for review and granted him 60 days to file a pro se brief assigning any errors. Wolf, however, did not file a pro se brief.

{¶ 2} After conducting an independent review of the entire record as required by *Anders*, including the presentence investigation report, we find no potentially meritorious issues for Wolf to advance on appeal. Accordingly, the judgment of the trial court will be affirmed.

Pertinent Facts and Course of Proceedings

{¶ 3} On July 19, 2019, Wolf was indicted in Montgomery C.P. No. 2019-CR-1979/1 for forgery, receiving stolen property and theft. On July 22, 2019, he was indicted in Montgomery C.P. No. 2019-CR-1296/2 for two counts of theft. On September 10, 2019, Wolf was charged by bill of information for theft in Montgomery C.P. No. 2019-CR-2871. All counts in these cases were felonies of the fifth degree.

{¶ 4} Also on September 10, 2019, Wolf agreed to a plea agreement whereby he pled guilty to the following: theft and forgery (uttering) in Case No. 2019-CR-1979/1; one count of theft (elderly/disabled person-without consent) in Case No. 2019-CR-01296/2; and theft (elderly/disabled person-without consent) in Case No. 2019-CR-2871, all felonies of the fifth degree. Other counts were dismissed.

{¶ 5} At Wolf's plea hearing, the trial court fully complied with the requirements of

Crim.R. 11(C)(2) for accepting pleas. The Court ordered a presentence investigation report (PSI). Sentencing was held on September 24, 2019.

{¶ 6} After adhering to all requirements of law, the trial court sentenced Wolf in all three cases. In Case No. 2019-CR-1979/1, the Court ordered Wolf to serve 12 months in prison for theft and 12 months in prison for forgery, to be served concurrently but consecutively to the 12-month prison sentence imposed for theft in Case No. 2019-CR-1296/2. When imposing the consecutive sentences, the Court made the necessary findings and included the findings in its judgment entry. In Case No. 2019-CR-2871, the Court also imposed a 12-month sentence and ordered it to be served concurrently with the other cases. The aggregate sentence was 24 months in prison.

{¶ 7} The Court granted Wolf 64 days of jail time credit and ordered Wolf to pay restitution and court costs after considering Wolf's present and future ability to pay. Thereafter, Wolf filed a timely notice of appeal.

Discussion and Conclusion

{¶ 8} In an *Anders* review, we are required to decide "after a full examination of all the proceedings," whether an appeal is "wholly frivolous." *Anders*, 386 U.S. at 744, 87 S.Ct. 1396, 18 L.Ed.2d 493. See also *Penson v. Ohio*, 488 U.S. 75, 84-85, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988). Issues are not frivolous simply because the State "can be expected to present a strong argument in reply." *State v. Pullen*, 2d Dist. Montgomery No. 19232, 2002-Ohio-6788, ¶ 4. Instead, an issue lacks arguable merit "if on the facts and law involved, no responsible contention can be made that it offers a basis for reversal." *Id.*

{¶ 9} After conducting an independent review of the record pursuant to *Anders*, we

agree with Wolf's appellate counsel that, based on the facts and relevant law, there are no issues with arguable merit to present on appeal.

{¶ 10} At sentencing, the trial court considered the nature of the offenses and the results of the presentence investigation, which included an extremely extensive criminal record. As indicated earlier, the trial court made all of the necessary findings supporting the imposition of consecutive sentences at the hearing and in the corresponding sentencing entry.

{¶ 11} For the foregoing reasons, we find that the potential issues raised by appellate counsel have no arguable merit. After conducting an independent review of the record as required by *Anders*, we also find no issues with arguable merit for Wolf to advance on appeal. Accordingly, the judgment of the trial court is affirmed.

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FROELICH, J. and HALL, J., concur.

Copies sent to:

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