[Cite as *State v. Burgett*, 2012-Ohio-560.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 11AP-558 (C.P.C. No. 10CR-04-2329)
Danny Burgett,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on February 14, 2012

Ron O'Brien, Prosecuting Attorney, and *Laura R. Swisher*, for appellee.

Todd W. Barstow, for appellant.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶1} Danny Burgett is appealing from the revocation of his community control on a charge of aggravated possession of drugs in violation of R.C. 2925.11. He assigns a single error for our consideration:

> THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY DENYING HIS MOTION TO SUPPRESS EVIDENCE.

{¶2} Burgett was granted community control as the result of a judgment entry journalized October 28, 2010. On April 21, 2011, his probation officer filed a request for revocation of probation and statement of violations. The statement of violations included an indication that Burgett had done none of his ordered community service hours, had

tested positive for opiates on four occasions, had traveled out of state on three occasions without permission, had failed to verify employment, had failed to make payments toward his $5,000 fine, and finally had been found to be in possession of over 1,000 doses of prescription drugs not prescribed for him. The assignment of error addresses only the last violation.

{¶3} The trial court, in revoking Burgett's community control, found that the evidence to support revocation was sufficient with or without the pills found in Burgett's vehicle by his probation officer. Under the circumstances, any arguable error could not have been prejudicial. Burgett had baked the cake for revoking his probation long before his probation officer found the pills. The pills were just the icing on the cake.

{¶4} No prejudicial error is presented, so the sole assignment of error is overruled, regardless of the legality of the search. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

KLATT and FRENCH, JJ., concur.
