

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 14AP-551
Eva S. Lucas Cooper,	:	(C.P.C. No. 07CR-2758)
Defendant-Appellant.	:	(REGULAR CALENDAR)

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D E C I S I O N

Rendered on June 11, 2015

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*Michael DeWine*, Attorney General, *Jordam Finegold* and *Susan Schultz*, for appellee.

*Eva S. Lucas Cooper*, pro se; *Nemann Law Offices, LLC*, and *Adam Lee Nemann*, for appellant.

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APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Eva S. Lucas Cooper is appealing from proceedings in the Franklin County Court of Common Pleas. Counsel was appointed to represent her. After reviewing the record, counsel filed a brief as authorized by *Anders v. California*, 386 U.S. 738 (1967). At the same time, counsel asked for permission to withdraw as counsel. Cooper had earlier filed her own brief.

{¶ 2} A judge of this court journalized an entry granting Cooper leave to file an additional brief on her own behalf. The same entry informed all involved that the issue of counsel's withdrawal would be resolved after the assigned appellate panel reviewed the record and any briefs filed by or on behalf of the parties.

{¶ 3} The record before us indicates that Cooper was convicted over six years ago following a jury trial. A direct appeal of the trial proceedings was pursued and the judgment of the trial court was affirmed.

{¶ 4} Part of Cooper's sentence was stayed and she was placed on community control. In February 2014, a request to revoke her community control was filed. A warrant was issued for her arrest and she was arrested in June 2014.

{¶ 5} The trial court restored her community control after she served 90 days in custody. Cooper filed an appeal pro se and current counsel was appointed to assist her after her former appellate counsel asked leave to withdraw.

{¶ 6} The brief Cooper filed on her own behalf contains three assignments of error. They are:

1. Lack of Jurisdiction over subject matter and person in direct violation of defendant-appellant, Eva S. Lucas-Cooper, was denied the right to be free from an unreasonable search and seizure of her body and or property, by government officials, and any search/arrest warrant must have had the proper information before being served upon her, as required by the Fourth Amendment to the United States Constitution, the Ohio Constitution, by violating and have circumvented the federal laws under the Interstate Compact for Adult Offender Supervision (ICAOS rules) and the Interstate Detainer Rules as per R.C. 2963.03.

2. Defendant-appellant, Eva S. Lucas-cooper, was denied the right not to be tortured or receive excessively cruel punishment nor excessive requested bail amounts, as required by the Eighth Amendment to the United States Constitution, the Ohio Constitution, by violating and having circumvented the federal laws under the Interstate Compact for Adult Offender Supervision (ICAOS rules) and the Interstate Detainer Rules as per R.C. 2963.03.

3. Defendant-appellant, Eva S. Lucas-Cooper, seeks relief based upon Ineffective assistance of Counsel, and her abilities not to have had a chance to challenge prosecution witnesses, call witnesses for her defense, as required by the Sixth Amendment to the United States Constitution, the Ohio Constitution, by violating and circumventing of the federal laws under the Interstate Compact for Adult Offender Supervision (ICAOS rules) and the Interstate Detainer Rules as per R.C. 2963.03.

{¶ 7} The State of Ohio has filed a brief responding to these assignments of error. As to the first assignment of error, the State alleged that the Franklin County Court of Common Pleas retained jurisdiction over Cooper's case because revocation proceedings were commenced prior to the expiration of Cooper's community control.

{¶ 8} The State of Ohio is correct with respect to its allegations. The trial court had jurisdiction and maintained jurisdiction over Cooper's case.

{¶ 9} The first assignment of error is overruled.

{¶ 10} Nothing in the record before us indicates that Cooper was ever tortured or in any way treated badly. The fact she stole over \$370,000 but still received community control is certainly an indication of the fairness with which she has been treated.

{¶ 11} The second assignment of error is overruled.

{¶ 12} AS to the third assignment of error, Cooper stole over \$370,000. She was ordered to make restitution for the amount she stole. In 5 years of community control, she had repaid less than \$1,200 of those funds. Counsel at her revocation hearing could not seriously contest those facts. Counsel could not credibly argue that Cooper complied with all the terms of her community control or that the trial court judge had no right to revoke her community control. Counsel in the revocation hearing accomplished a great deal by getting Cooper restored to community control after her serving only 90 days in jail as opposed to serving the 3 years in prison stayed for community control. Under any reasonable standard, and especially under the standards set forth in *Strickland v. Washington*, 466 U.S. 668 (1984), Cooper has been well represented by counsel.

{¶ 13} The third assignment of error is overruled.

{¶ 14} The most recent counsel appointed to represent Cooper is granted leave to withdraw. All three assignments of error having been overruled, the judgment of the Franklin County Court of Common Pleas is affirmed.

*Judgment affirmed.*

BROWN, P.J., and DORRIAN, J., concur.

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