

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

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| STATE OF OHIO, | : | |
| | : | |
| Plaintiff-Appellee, | : | CASE NOS. CA2011-10-199 |
| | : | CA2011-11-220 |
| | : | |
| - vs - | : | <u>DECISION</u> |
| | : | 9/17/2012 |
| DEANA M. ROY, | : | |
| | : | |
| Defendant-Appellant. | : | |

APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR2009-06-0984

Michael T. Gmoser, Butler County Prosecuting Attorney, Lina N. Alkamhawi, Government Services Center, 315 High Street, Hamilton, Ohio 45011, for plaintiff-appellee

Jeffrey W. Bowling, 315 South Monument Avenue, Hamilton, Ohio 45011, for defendant-appellant in Case No. CA2011-10-199

Deana M. Roy, #76795, Dayton Correctional Institution, P.O. Box 17249, 4101 Germantown Pike, Dayton, Ohio 45417, defendant-appellant, pro se, in Case No. CA2011-11-220

Per Curiam.

{¶ 1} In this consolidated appeal, appellant, Deana M. Roy, appeals two decisions of the Butler County Court of Common Pleas. Appellant first appeals from a resentencing hearing in which she was sentenced on six counts of trafficking in cocaine. In the second appeal, she appeals the denial of her "motion for a second resentencing and an entry that

complies with Crim.R. 32 and R.C. 2505.02."

{¶ 2} Appellant was resentenced by the Butler County Court of Common Pleas following a remand based on allied offenses of similar import. See *State v. Roy*, 12th Dist. No. CA2009-11-290, 2011-Ohio-1992. In Case No. CA2011-11-220, appellant argues that the resentencing entry issued by the court on June 3, 2011, is not a final appealable order because it fails to address all the counts in the indictment, including those where she was found not guilty and those involving co-conspirators. Appellant raised this issue before the trial court in the form of a "motion for entry that complies with Crim.R. 32(C) and R.C. 2505.02."

{¶ 3} We find no error in the trial court's decision to deny appellant's motion. The June 3, 2011 entry disposed of all of the counts for which appellant was convicted. The entry addressed appellant only and set forth the jury's guilty findings "upon which each conviction is based" as required by Crim.R. 32(C). We further find the entry filed by the court was signed by the judge and find no error in the fact that the judge's signature appears only on the last page of the entry, as "nothing in Crim.R. 32(C) requires a trial judge to sign all pages of a multiple-page judgment entry." *Cammon v. Briagano*, 101 Ohio St.3d 133, 2004-Ohio-316, ¶ 4. Accordingly, we find no merit to appellant's argument that the resentencing entry was not a final appealable order. Appellant's three assignments of error in Case No. CA2011-11-220 are therefore overruled.

{¶ 4} In Case No. CA2011-10-199, appellant appeals the trial court's resentencing decision. In this case, counsel for appellant filed a brief with this court pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967), which (1) indicates that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists five

potential errors "that might arguably support the appeal," *Anders* at 744, 87 S.Ct. at 1400; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant.

{¶ 5} Appellant has filed a "pro se supplement brief issues" raising several additional issues for consideration on appeal. These issues relate to the felony level of the offenses for which she was charged and convicted. We have accordingly examined the record, the potential assignments of error presented in counsel's brief, and the assignments of error in appellant's pro se brief and find no error prejudicial to appellant's rights in the proceedings in the trial court.

{¶ 6} In Case No. CA2011-10-199, the motion of counsel for appellant requesting to withdraw as counsel is granted, and the appeal is dismissed for the reason that it is wholly frivolous. In Case No. CA2011-11-220, the trial court's judgment is affirmed.

POWELL, P.J., RINGLAND and HENDRICKSON, JJ., concur.