

[Cite as *State v. Elzey*, 2003-Ohio-4085.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

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| STATE OF OHIO | : | |
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| Plaintiff-Appellee | : | C.A. CASE NO. 19696 |
| v. | : | T.C. CASE NO. 2002 CR 2753 |
| JAMES ELZEY | : | (Criminal Appeal from Common Pleas Court) |
| | : | Defendant-Appellant |
| | : | |

OPINION

Rendered on the 1st day of August, 2003.

CARLEY J. INGRAM, Atty. Reg. No. 0020084, Assistant Prosecuting Attorney, 301 W. Third Street, 5th Floor, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

EDMUND G. LOIKOC, Atty. Reg. No. 0013311, 3814 Little York Road, Dayton, Ohio 45414
Attorney for Defendant-Appellant

JAMES ELZEY, #438-139, Pickaway Correctional Institute, P. O. Box 209, Orient, Ohio 43146-0209
Defendant-Appellant

FREDERICK N. YOUNG, J.

{¶1} James Elzey entered a plea of guilty as charged to one count of breaking

and entering with purpose to commit a theft offense and one count of failure to comply with an order or signal of a police officer by fleeing in a motor vehicle which caused a substantial risk of serious physical harm to persons or property. He pled guilty pursuant to a plea agreement, part of which was that the State would recommend only two years of the incarceration. The court then sentenced him to twelve months incarceration on the breaking and entering charge and one year on the failure to comply charge, to be served consecutively.

{¶2} His trial counsel timely filed a notice of appeal and noted thereon that it was filed at defendant’s request, with issues unknown. (Docket 32). He was appointed an appellate counsel who, in due course, filed an extensive *Anders* brief, which thoroughly examined the record and the law and concluded that there were no meritorious issues for appeal.

{¶3} On April 24, 2003, we informed Elzey of the fact that his counsel had filed an *Anders* brief and granted him sixty days from April 24, 2003, to file his pro se brief, if any. No such pro se brief has been filed.

{¶4} We have thoroughly examined the record of the proceedings in this case and we agree with the assessment of appellate counsel that there are no meritorious issues for appellate review.

{¶5} The judgment appealed from will be affirmed.

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FAIN, P.J. and BROGAN, J., concur.

Copies mailed to:

Carley J. Ingram
Edmund G. Loikoc
James Elzey
Hon. A. J. Wagner