

[Cite as *State v. Hudson*, 2004-Ohio-4682.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. Case No. 19953
vs.	:	T.C. Case No. 03-CR-711
RICHARD HUDSON	:	(Criminal Appeal from Common
	:	Pleas Court)
Defendant-Appellant	:	

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OPINION

Rendered on the 3rd day of September, 2004.

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RICHARD HUDSON, 149 S. Irwin Street, Dayton, Ohio 45403
Defendant-Appellant

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BROGAN, J.

{¶1} Richard A. Hudson, Jr. appeals from his conviction of carrying a

concealed weapon and having a weapon while under a disability pursuant to his no contest pleas in the Montgomery County Common Pleas Court.

{¶2} Hudson timely appealed and his appointed counsel has filed an *Ander's* brief with us stating that he could find no arguable merit to the appeal. Hudson was notified of his counsel's findings and he was served with a copy of his counsel's brief and was given 60 days to file his own. He has not done so.

{¶3} We have examined the record carefully and we conclude counsel correctly found no merit to the appeal. Hudson was arrested for driving while under suspension. A search of Hudson's vehicle turned up a handgun under the front seat of the vehicle. The arresting officer also recovered a loaded magazine under the passenger seat of the vehicle. Hudson admitted the gun was his after waiving his *Miranda* rights.

{¶4} The trial court properly overruled Hudson's motion to suppress the gun and magazine. Police may search the passenger compartment after the arrest of the driver as a search incident thereto. *New York v. Belton* (1981), 453 U.S. 454. Hudson did not contest that he had a prior conviction for drug abuse in 1999 which was a disability preventing him from legally carrying a handgun.

{¶5} Accordingly, we find no merit to this appeal and we affirm the appellant's convictions.

Judgment Affirmed.

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FAIN, P.J., and WOLFF, J., concur.

Copies mailed to:

Carley J. Ingram

Barry S. Galen

Richard Hudson

Hon. Mary Kate Huffman