

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 21211
v.	:	T.C. NO. 2005 CR 01480
RICHARD MICHAEL FORE	:	(Criminal Appeal from Common Pleas Court)
Defendant-Appellant	:	
	:	

OPINION

Rendered on the 31st day of March, 2006.

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

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Attorney for Defendant-Appellant

RICHARD M. FORE, #498-616, London Correctional Institution, P. O. Box 69, London, Ohio 43140
Defendant-Appellant

WOLFF, J.

{¶ 1} Richard Fore entered a plea of guilty to aggravated robbery, a first degree felony, and was sentenced to three years imprisonment. Three years is the minimum

prison term authorized by statute for a first degree felony. The three-year prison sentence was ordered to be served concurrently with two six-month sentences, also concurrent, that the trial court imposed in a companion case.

{¶ 2} A notice of appeal was filed on Fore’s behalf and counsel was appointed to prosecute an appeal. On December 19, 2005, appointed appellate counsel filed an *Anders* brief pursuant to *Anders v. California* (1967), 386 U.S. 738, wherein counsel represented to the court that after review of the record and the applicable law, he could find no potentially meritorious issues to advance on appeal.

{¶ 3} On December 22, 2005, we informed Fore by decision and entry that his appellate counsel had filed an *Anders* brief and of the significance of an *Anders* brief. We invited Fore to file pro se assignments of error with this court within sixty days of December 22, 2005. Fore has filed nothing with this court. Pursuant to our responsibilities under *Anders*, we have conducted a thorough review of the record in this case, and we conclude as did appointed appellate counsel that there are no potentially meritorious issues to advance on appeal, and that this appeal is wholly frivolous.

{¶ 4} Significantly, sentencing in this case does not implicate any of the statutes found to be unconstitutional in *State v. Foster* _____ Ohio St.3d _____, 2006-Ohio-856.

{¶ 5} Accordingly, the judgment will be affirmed.

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GRADY, P.J. and DONOVAN, J., concur.

Copies mailed to:

Carley J. Ingram

Christopher W. Thompson
Richard M. Fore
Hon. Dennis J. Langer