

[Cite as *State v. Slaughter*, 2010-Ohio-1509.]

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	Appellate Case No. 23499
Plaintiff-Appellee	:	:
	:	Trial Court Case No. 2009-CR-0096
v.	:	:
	:	
TODD G. SLAUGHTER	:	(Criminal Appeal
	:	from
Defendant-Appellant	:	Common Pleas Court)
	:	:

.....

OPINION

Rendered on the 2<sup>nd</sup> day of April, 2010.

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MATHIAS H. HECK, JR., by CARLEY J. INGRAM, Atty. Reg. #0020084, Montgomery County Prosecutor's Office, Appellate Division, Montgomery County Courts Building, P.O. Box 972, 301 West Third Street, Dayton, Ohio 45422  
Attorney for Plaintiff-Appellee

JAMES C. STATON, Atty. Reg. #0068686, Staton, Fisher & Conboy, LLP, 5613 Brandt Pike, Huber Heights, Ohio 45424  
Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Todd Slaughter appeals from his conviction of one count of aggravated robbery and one count of failure to comply with the order of a police officer. His appointed counsel has filed an *Anders* brief stating he could find no arguable merit to

Slaughter's appeal.

{¶ 2} Because Slaughter entered guilty pleas to the above-mentioned charges in exchange for an agreed sentencing range, we have a rather limited view of the facts supporting his conviction. The defendant did file a copy of the preliminary hearing transcript with the trial court. At that hearing, Joseph Mitchell testified that Slaughter robbed him at gunpoint on January 10, 2009, at the DeSoto Bass Apartments and took his wallet, car keys, hoodie, and cell phone. Mitchell testified Slaughter took his car as well. Mitchell testified his friend, Timothy Cranford, was also present when the robbery occurred. At a pre-trial suppression hearing, Officer Erik Steckel of the Dayton Police Department testified he arrested Slaughter driving the stolen vehicle after a pursuit. Detective William Elholz testified at the suppression hearing that Mitchell and Cranford both identified Slaughter as the robber from a photo spread. Elholz testified he interviewed Slaughter, and Slaughter testified he bought the 1997 Ford Crown Victoria for \$10 from a stranger at DeSoto Bass Apartments.

{¶ 3} After Slaughter's pre-trial motions to suppress his identification and his statement to police were overruled, Slaughter entered his guilty pleas. As part of the plea negotiation, the State agreed to nolle the two counts of having a weapon while under disability, one count of grand theft (auto) and the firearm specification attached to the aggravated robbery in the indictment. The State agreed with Slaughter to a sentencing range of four to eight years for the convictions.

{¶ 4} At sentencing, the trial court noted that these convictions were Slaughter's fourth and fifth felony convictions. The court noted that Slaughter had been imprisoned on the prior cases and that he committed these offenses while on

post-release control. The court noted that there is a mandatory prison sentence associated with the aggravated robbery conviction and failure to obey an order of police officer conviction requires a consecutive sentence be imposed. The court noted it would have imposed the maximum sentence permitted were it not for the agreement that the sentences not exceed eight years.

{¶ 5} Counsel raised three potential assignments of error for our consideration. Counsel suggests that Slaughter's sentence was excessive and his guilty pleas were not voluntarily and intelligently entered. Neither of these potential assignments has any merit. The sentence imposed was well within statutory limits and within the discretion of the trial court to impose. In light of Slaughter's criminal history, the sentence imposed was appropriate. The trial court fully complied with Crim.R. 11 in accepting Slaughter's guilty pleas.

{¶ 6} Lastly, counsel suggests the trial court erred in not appointing an expert to examine the victim's property recovered in a garage some time after the crime. The property included documents, skates and clothing. The trial court overruled Slaughter's request, finding there to be little likelihood fingerprints would be found on the property and prove exculpatory to Slaughter. In any event, Slaughter entered a counseled plea of guilty to reduced charges. Normally, a guilty plea waives any objection to pretrial suppression or other rulings. We cannot say counsel is constitutionally ineffective for advising his client to plead guilty and thus waive a challenge to the trial court's ruling.

{¶ 7} After careful review, we are satisfied there are no arguable merits to this appeal and we find this appeal is "wholly frivolous," *Anders v. California* (1967), 386

U.S. 738. The judgment of the trial court is Affirmed.

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FAIN and FROELICH, JJ., concur.

Copies mailed to:

Mathias H. Heck, Jr.  
Carley J. Ingram  
James C. Staton  
Todd G. Slaughter  
Hon. Mary Katherine Huffman

Case Name: State of Ohio v. Todd Slaughter  
Case No: Montgomery App. No. 23499  
Panel: Brogan, Fain, Froelich  
Author: James A. Brogan