

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

STATE OF OHIO

Plaintiff-Appellee

v.

JODY JOLY

Defendant-Appellant

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Appellate Case No. 2014-CA-65

Trial Court Case No. 13-CR-827

(Criminal Appeal from
Common Pleas Court)

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OPINION

Rendered on the 14th day of August, 2015.

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Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

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HALL, J.

{¶ 1} Jody Joly appeals from his conviction and sentence following a guilty plea to

one count of fourth-degree felony OVI in violation of R.C. 4511.19(A)(1)(a).

{¶ 2} Joly's appointed counsel has filed a brief under *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting the absence of any arguable issues for appellate review. We notified Joly of the *Anders* filing and granted him 60 days to file a pro se brief. Joly did not respond, and his time to do so has expired.

{¶ 3} In the *Anders* brief, appointed counsel identifies one potential assignment of error regarding sentencing but concludes that it lacks arguable merit. Applying R.C. 2953.08(G)(2), counsel concedes that Joly's two-year prison sentence is not contrary to law and that there are no required findings that the record fails to support.

{¶ 4} Upon review, we agree with appointed counsel's assessment that Joly's sentence is not erroneous. The sentence is supported by the record and is not in any way contrary to law. The trial court imposed a 24-month prison sentence and a \$1,350 fine, both of which were within the authorized range for Joly's sixth OVI conviction within twenty years. The trial court also properly imposed a 10-year driver's license suspension and three years of discretionary post-release control. The trial court additionally indicated that it had considered the statutory principles and purposes of sentencing as well as the statutory seriousness and recidivism factors. Because the trial court complied with all sentencing provisions, we see no arguable issue for appeal. Finally, we have performed our duty under *Anders* to conduct an independent review of the record. After examining the docket, including the plea and sentencing-hearing transcripts, we have found no non-frivolous issues for review. Accordingly, the judgment of the Montgomery County Common Pleas Court is affirmed.

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FROELICH, P.J., and DONOVAN, J., concur.

Copies mailed to:

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Jeffrey D. Livingston
Jody Joly
Hon. Douglas M. Rastatter