

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WILLIAMS COUNTY

State of Ohio

Court of Appeals No. WM-11-010

Appellee

Trial Court No. 09 CR 186

v.

Robert J. Houston

DECISION AND JUDGMENT

Appellant

Decided: July 27, 2012

* * * * *

Thomas A. Thompson, Williams County Prosecuting Attorney,
and Katherine J. Middleton, Assistant Prosecuting Attorney,
for appellee.

Robert Houston, pro se.

* * * * *

OSOWIK, J.

{¶ 1} This is an appeal from an April 25, 2010 judgment of the Williams County Court of Common Pleas. Appellant was found guilty of one count of illegal manufacture of drugs, in violation of R.C. 2925.40(A) and (C)(3)(a), a felony of the second degree and

one count of aggravated possession of drugs, in violation R.C. 2925.11(A) and (C)(1)(e), a felony of the first degree. Appellant was sentenced to eight years mandatory imprisonment for the manufacture of illegal drugs and ten years mandatory imprisonment for the aggravated possession of drugs, the sentences to run concurrently. For the reasons set forth below, this court affirms the judgment of the trial court.

{¶ 2} In appellant's pro se brief, he alleges one assignment of error:

1. Trial Court erred in denying Appellant's Motion for Preparation of Complete Transcripts of Proceedings at State Expense.

{¶ 3} The following facts are relevant to this case. Appellant was indicted on December 16, 2009, on one charge of illegal manufacture of methamphetamine drugs and one charge of aggravated possession of methamphetamine drugs. Following a jury trial, appellant was found guilty on both charges. Appellant was sentenced to eight years mandatory imprisonment and ten years mandatory imprisonment, respectively, to run consecutively.

{¶ 4} Appellant filed a direct appeal of these convictions. A transcript of the proceedings was ordered and submitted for the record at state expense. On January 28, 2011, this court affirmed the trial court's conviction and sentencing of appellant. Appellant, by motion filed subsequent to denial of his appeal, requested his own copy of the transcript from the trial to be submitted to him in prison. The trial court denied his motion. This appeal ensued.

{¶ 5} Appellant contends that the trial court erred in denying his request for an additional copy of the transcript from the proceedings to be prepared at state expense. We find that appellant is mistaken. Appellant is correct that an indigent defendant is entitled to one copy of the transcript of his trial. The copy filed during the appeal at the state's expense constitutes the one copy to which the defendant is entitled. *State ex rel. Call v. Zimmers*, 85 Ohio St.3d 367, 368, 1999-Ohio-0386, 708 N.E.2d 711. The state is not required to provide the desired additional copy. *State ex rel. Franklin v. Greene Cty. Clerk of Courts*, 2d Dist. No. 05-CA-125, 2005-Ohio-7087, ¶ 5, citing *State ex rel. Greene v. Enright*, 63 Ohio St.3d 729, 732, 590 N.E.2d 1257. This court previously affirmed the convictions and sentences on appeal. The current appeal is without merit. Appellant's assignment of error is not well-taken. As held on direct appeal, we find that substantial justice has been done.

{¶ 6} On consideration whereof, the judgment of the Williams County Court of Common Pleas is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Peter M. Handwork, J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.