

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

State of Ohio

Court of Appeals No. L-17-1165

Appellee

Trial Court No. CR0201701714

v.

Dustyn Lamb

**DECISION AND JUDGMENT**

Appellant

Decided: April 20, 2018

\* \* \* \* \*

Julia R. Bates, Lucas County Prosecuting Attorney, and  
Joseph H. Gerber, Assistant Prosecuting Attorney, for appellee.

Mollie B. Hojnicky-Mathieson, for appellant.

\* \* \* \* \*

**PIETRYKOWSKI, J.**

{¶ 1} Appellant, Dustyn Lamb, appeals from the June 26, 2017 judgment of the Lucas County Court of Common Pleas convicting him of two misdemeanors, attempted vandalism and assault, following acceptance of appellant's no contest pleas, and sentencing him to a jail term of 180 days on each count to be served consecutively.

Pursuant to the guidelines set forth in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), appellant's court-appointed counsel has filed an appellate brief and motion to withdraw as counsel. She attested in her affidavit that she mailed a copy of the brief and motion to appellant and informed him that he had a right to file his own brief, but he did not do so.

{¶ 2} Appellant's counsel states in her motion that she thoroughly reviewed the record in this case and concluded that the trial court did not commit any error prejudicial to appellant. However, in compliance with the requirements of *Anders*, appellant's counsel has submitted a brief setting forth the following potential assignment of error:

THE TRIAL COURT ABUSED ITS DISCRETION BY  
SENTENCING APPELLANT TO CONSECUTIVE SENTENCES.

{¶ 3} Appellant's appointed counsel has included arguments which support this assignment of error, but concludes that it is unsupported by the record and the law. Therefore, she concludes that an appeal would be frivolous. We agree. R.C. 2929.41(B)(1) permits a trial court to require multiple jail terms to be served consecutively so long as the aggregate term does not exceed 18 months. In this case, appellant's aggregate sentences is 360 days.

{¶ 4} Furthermore, this court has the obligation to fully examine the record in this case to determine whether an appeal would be frivolous. *Anders* at 744. Our review of the record does not disclose any errors by the trial court which would justify a reversal of

the judgment. Therefore, we find this appeal to be wholly frivolous. Counsel's request to withdraw as appellate counsel is found well-taken and is hereby granted.

{¶ 5} Having found that the trial court did not commit error prejudicial to appellant, the judgment of the Lucas County Court of Common Pleas is affirmed. Pursuant to App.R. 24, appellant is hereby ordered to pay the court costs incurred on appeal. The clerk is ordered to serve all parties with notice of this decision.

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.

Mark L. Pietrykowski, J.

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JUDGE

Arlene Singer, J.

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JUDGE

Christine E. Mayle, P.J.  
CONCUR.

\_\_\_\_\_  
JUDGE

<p>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: <a href="http://www.supremecourt.ohio.gov/ROD/docs/">http://www.supremecourt.ohio.gov/ROD/docs/</a>.</p>
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