

[Cite as *State v. Torres*, 2015-Ohio-2038.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 101769

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**CHRISTOPHER TORRES**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
**AFFIRMED**

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Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CR-11-555460-C

**BEFORE:** McCormack, P.J., E.T. Gallagher, J., and Stewart, J.

**RELEASED AND JOURNALIZED:** May 28, 2015

**ATTORNEY FOR APPELLANT**

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**Also listed:**

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TIM McCORMACK, J.:

{¶1} Defendant-appellant, Christopher Torres (“Torres”), appeals his conviction for aggravated robbery. After pleading guilty, Torres was sentenced to seven years for the aggravated robbery charge consecutive to one year for a one-year firearm specification, for a total sentence of eight years. Torres’s appointed appellate counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), and requested leave to withdraw as counsel.

{¶2} In *Anders*, the United States Supreme Court held that if appointed counsel, after a conscientious examination of the case, determines that the appeal is wholly frivolous, counsel may advise the court and request permission to withdraw from the case. *Anders* at 744. The request must be accompanied by a brief identifying issues that could arguably support the appeal. *Id.* The brief must be furnished to the client, who must then be allowed sufficient time to file his or her own brief. *Id.*

{¶3} Torres’s counsel fully complied with these requirements. This court ordered appointed counsel’s motion to withdraw to be held in abeyance pending our independent review of the case. We further notified Torres that he had until January 12, 2015, to file his own appellate brief, but Torres did not do so.

{¶4} Once the appellant’s counsel satisfies the requirements pursuant to *Anders*, this court examines the proceedings below to determine if any meritorious issues exist. If we conclude the appeal is wholly frivolous, we may grant counsel’s request to

withdraw and dismiss the appeal without violating constitutional requirements, or we may proceed to a decision on the merits if state law so requires. *Id.*

{¶5} In this case, the Cuyahoga County Grand Jury indicted Torres for three counts of aggravated robbery with firearm specifications, two counts of kidnapping, one count of felonious assault, and one count of escape.

{¶6} Torres entered a guilty plea to one count of aggravated robbery with a one-year firearm specification. The remaining counts were dismissed. The trial court ordered a presentence investigation report and subsequently sentenced Torres to seven years for aggravated robbery and a mandatory one-year term for the gun specification.

{¶7} Torres's appointed counsel states in his *Anders* brief that he extensively reviewed the record, including the transcript of the proceedings, and concluded that there are no meritorious arguments that he could make on Torres's behalf. Counsel sets forth two potential arguments pursuant to *Anders*: first, whether the appellant's plea was knowingly and voluntarily given pursuant to Crim.R. 11; and second, whether the trial court's sentence of eight years was contrary to law.

{¶8} After an independent examination of Torres's case, we affirm the trial court's judgment and grant appointed counsel's motion to withdraw.

{¶9} Our review shows that Torres entered a plea knowingly, intelligently, and voluntarily. The trial court strictly complied with the dictates of Crim.R. 11(C)(2) in accepting Torres's plea.

{¶10} Likewise, we find no error in the sentence imposed by the trial court. Torres pled guilty to a first-degree felony, which carries a maximum possible sentence of 11 years. Torres’s sentence of seven years was within the range provided by the statute.

{¶11} Another potential sentencing issue is whether the trial court considered, as it was required to, the purposes and principles of felony sentencing set forth in R.C. 2929.11 and the sentencing factors set forth in R.C. 2929.12. *State v. Hodges*, 8th Dist. Cuyahoga No. 99511, 2013-Ohio-5025, ¶ 7. Here, although the trial court did not specifically mention these two statutes at sentencing, and only referenced R.C. 2929.11 in its journal entry, the trial court did state in its journal entry that it had “considered all required factors of the law.” This court has found that a trial court’s statement in its sentencing journal entry that it considered the required statutory factors, without more, is sufficient to fulfill a trial court’s obligations under R.C. 2929.11 and 2929.12. *State v. Clayton*, 8th Dist. Cuyahoga No. 99700, 2014-Ohio-112, ¶ 9.

{¶12} We, therefore, conclude that this appeal is wholly frivolous pursuant to *Anders*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493. There are no arguable legal points on the merits of this matter. Counsel’s request to withdraw is granted, and we affirm the trial court’s judgment.

It is ordered that appellee recover of appellant its costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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TIM McCORMACK, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and  
MELODY J. STEWART, J., CONCUR