

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

STATE OF OHIO	:	
	:	Appellate Case No. 23557
Plaintiff-Appellee	:	
	:	Trial Court Case No. 2009-CR-01247
v.	:	
	:	
MELISSA LYNN MARKLE	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 29th day of January, 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 S. ARMSTRONG, Atty. Reg. #0020638, 131 North Ludlow Street, Suite 1311 Talbott Tower, Dayton, Ohio 45402
Attorney for Defendant-Appellant

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FAIN, J.

{¶ 1} Defendant-appellant Melissa Lynn Markle appeals from her conviction and sentence, following a guilty plea, for two counts of Aggravated Robbery, felonies of the first degree, and one count of Robbery, a felony of the third degree. Markle's assigned appellate counsel has filed a brief under the authority of *Anders v.*

California (1967), 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493, indicating that he has not been able to find any potential assignments of error having arguable merit. Neither have we. Accordingly, the judgment of the trial court is Affirmed.

I

{¶ 2} Markle was arrested and charged with two counts of Aggravated Robbery, involving robbing different victims at knifepoint, and one count of Robbery, involving a third victim. She entered into a plea bargain wherein she would plead guilty as charged, and the sentence would be left to the discretion of the trial court, except that her potential sentence of twenty-five years imprisonment would be capped at four years.

{¶ 3} At the sentencing hearing, the trial court heard a recitation of a statement from one of the victims, and listened to Markle and her attorney. The trial court also had the benefit of a pre-sentence investigation report. The trial court sentenced Markle to imprisonment for three years on each of the two Aggravated Robbery convictions, to be served concurrently, and to one year on the Robbery conviction, to be served consecutively, for an aggregate sentence of four years, in accordance with the agreed cap of four years.

{¶ 4} From her conviction and sentence, Markle appeals.

II

{¶ 5} Markle's assigned counsel has filed a brief under the authority of *Anders v. California*, supra, indicating that he could not find any potential

assignments of error having arguable merit. By entry, we afforded Markle an opportunity to file her own, pro se brief within sixty days. She has not done so.

{¶ 6} As counsel notes, a guilty plea is a complete admission of guilt, so that a guilty plea waives all claims of error except errors in the taking of the plea, itself, or in the sentence. We have reviewed the entire record, as required by *Anders v. California*, supra. The trial court conducted a flawless plea colloquy, including advising Markle that by pleading guilty she would be giving up her right to appeal any pretrial rulings. We find nothing in the record to suggest that Markle's plea was other than knowing and voluntary.

{¶ 7} We have also reviewed the transcript of the sentencing hearing, and we find no basis upon which to criticize it, much less a potential assignment of error having arguable merit. The sentence did not exceed the agreed-upon cap of four years. We have reviewed the pre-sentence investigation report, which discloses two prior felony convictions, five prior misdemeanor convictions, and no expression of remorse. Neither did Markle express remorse at her sentencing, being more concerned with being allowed some time, before beginning her sentence, to visit with her dying mother and to "sew up some things that might happen while I'm gone." We find no reasonable argument that can be made that Markle's sentence was disproportionate to her offenses or was otherwise inappropriate.

{¶ 8} We have complied with our duty to review the entire record independently. We have found nothing in the record to suggest an argument that Markle received ineffective assistance of trial counsel. Nor have we found anything else in the record that would support an assignment of error having arguable merit.

Accordingly, we conclude that this appeal is wholly frivolous. The judgment of the trial court is Affirmed.

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BROGAN and GRADY, JJ., concur.

Copies mailed to:

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Carley J. Ingram
James S. Armstrong
Melissa Lynn Markle
Hon. Timothy N. O'Connell