

[Cite as *State v. Bailey*, 2007-Ohio-1738.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 21585
v.	:	T.C. NO. 2001 CR 3052/1
ANTONIO BAILEY	:	(Criminal Appeal from Common Pleas Court)
Defendant-Appellant	:	

OPINION

Rendered on the 13th day of April, 2007.

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Attorney for Defendant-Appellant

ANTONIO BAILEY #A487-390, North Central Correctional Institute, P. O. Box 1812, Marion, Ohio 43302
Defendant-Appellant

DONOVAN, J.

{¶ 1} Defendant-Appellant Bailey appeals his conviction of one count of Aggravated Robbery with a Deadly Weapon, pursuant to Ohio Revised Code 2911.01(A)(1), a felony of

the first degree, with a gun specification, pursuant to Ohio Revised Code _2941.145. On November 7, 2002, Bailey pled guilty to Aggravated Robbery with a gun specification. On January 18, 2005, Bailey was sentenced to five years on the Aggravated Robbery and three years on the gun specification. These sentences were to be served consecutively. Bailey filed a timely notice of appeal with this Court, and on March 10, 2006, this Court reversed and remanded the Trial Court's decision for resentencing pursuant to *State v. Foster*, 109 Ohio St.3d 1 (Ohio 2006). On March 30, 2006, the Trial Court conducted a resentencing hearing. The resentencing was within the statutory sentencing guidelines, and Bailey was given the same sentence as he had received previously.

{¶ 2} Bailey's appellate counsel has filed a brief pursuant to *Anders v. California* (1967), 386 U.S. 738, 87 S. Ct. 1396, 18 L.ED.2d. 493, indicating that there are no meritorious issues to be presented on appeal. By entry filed December 12, 2006, we advised Bailey that his appellate counsel had filed an *Anders* brief and allowed him sixty days within which to file his own pro se brief. Bailey has not filed his own pro se brief.

{¶ 3} Pursuant to *Anders*, supra, we have independently reviewed the record, and found that the trial court complied with the constitutional parts of the sentencing guidelines, Ohio Revised Code _2929.14, in resentencing. Post *Foster*, Trial Courts have full discretion to impose a sentence within the statutory range and are no longer required to make findings or give their reasons for imposing more than the minimum sentences.

{¶ 4} We agree with Bailey's appellate counsel that no meritorious issues are present in this appeal.

Judgment affirmed.

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FAIN, J. and GRADY, J., concur.

Copies mailed to:

Carley J. Ingram

Patrick J. Conboy

Antonio Bailey

Hon. Mary Katherine Huffman