

[Cite as *State v. Carroll*, 2009-Ohio-6010.]

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

STATE OF OHIO	:	
	:	Appellate Case No. 23127
Plaintiff-Appellee	:	
	:	Trial Court Case No. 2008-CR-3430
v.	:	
	:	(Criminal Appeal from
SCOTT M. CARROLL	:	Common Pleas Court)
	:	
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 13th day of November, 2009.

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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

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Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Scott Carroll appeals from his conviction of failing to verify his last known address as required by R.C. 2950.06 after being previously convicted of rape of a child under 13. His appointed appellate counsel has filed an *Anders* brief stating he could find no arguable merit to the appeal.

{¶ 2} Carroll entered his guilty plea along with other defendants charged with other offenses. The trial court explained the charge to Carroll and informed him of the maximum sentence he faced and the fact that a sentence was mandatory. Carroll was informed that he would be subject to post-release control for five years and the consequences of violating the terms of his post-release control. Carroll told the trial judge he understood the nature of the charges to which he entered his plea and the consequences of his guilty plea. The trial court informed Carroll and the others entering their pleas of the constitutional rights they would surrender by entering their guilty pleas. Carroll informed the trial court he understood those rights and was entering his plea voluntarily. The trial court accepted his plea and found Carroll entered the plea voluntarily with a full understanding of the consequences of that plea. (Tr. 21, 22.)

{¶ 3} At sentencing, the trial court noted that Carroll had previously been convicted of failure to verify his residence and served a twelve-month sentence. The court noted Carroll was on active parole supervision when this failure to verify was committed. The court noted that when Carroll was arrested he was carrying a twelve-inch knife. The court also noted that just before Carroll was arrested, a woman reported she had been stabbed by Carroll while he was doing drugs. The trial court imposed a five-year sentence upon Carroll. He could have received a ten-year sentence pursuant to R.C. 2950.99(A)(1)(a)(ii). It is noteworthy that the State dismissed a carrying a concealed weapon and a tampering with evidence charge in exchange for Carroll's plea of guilty.

{¶ 4} We are satisfied that Carroll entered a voluntary, intelligent plea to the failure to verify charge and that the sentence imposed upon him was well within the discretion of the sentencing court. We agree that there are no arguable issues for further consideration, and Appellant's conviction is hereby Affirmed. See *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396.

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DONOVAN, P.J., and FROELICH, J., concur.

Copies mailed to:

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Carley J. Ingram
Frank A. Malocu
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Hon. Dennis J. Langer