

IN THE COURT OF APPEALS FOR GREENE COUNTY, OHIO

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|---------------------|---|-----------------------|-----------|-----|
| STATE OF OHIO | : | | | |
| Plaintiff-Appellee | : | C.A. | CASE | NO. |
| | | 2009-CA-13 | | |
| v. | : | T.C. NO. | 08-CR-571 | |
| JASON D. LAWSON | : | (Criminal appeal from | | |
| Defendant-Appellant | : | Common Pleas Court) | | |

OPINION

Rendered on the 12th day of March, 2010.

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DONOVAN, P.J.

{¶ 1} Defendant-appellant Jason D. Lawson appeals from his conviction and sentence for one count of possession of cocaine, in violation of R.C. § 2925.11(A), a felony of the fifth degree.

{¶ 2} After testing positive for cocaine during a random urine test conducted by his parole officer on June 4, 2008, Lawson was indicted for one count of possession of cocaine on August 7, 2008. On March 4, 2009, Lawson plead no contest to possession of cocaine. The trial court subsequently found Lawson guilty and sentenced him to seven months in prison, as well as three years of post-release control. The court stayed the execution of Lawson’s sentence pending the outcome of the instant appeal.

II

{¶ 3} Lawson’s sole assignment of error is as follows:

{¶ 4} “THE EVIDENCE WAS INSUFFICIENT TO CONVICT APPELLANT FOR POSSESSION OF COCAINE.”

{¶ 5} In his sole assignment, Lawson contends that insufficient evidence was adduced by the State to convict him of possession of cocaine. Specifically, Lawson argues that the mere presence of cocaine metabolites in his urine was insufficient circumstantial evidence to prove beyond a reasonable doubt that he *knowingly* possessed cocaine in violation of R.C. § 2925.11(A).

{¶ 6} Crim. R. 11(B)(2) states as follows:

{¶ 7} “(B) Effect of guilty or no contest pleas

{¶ 8} “(2) The plea of no contest is not an admission of defendant’s guilt, *but is an admission of the truth of the facts alleged in the indictment*, information, or complaint ***.”

{¶ 9} The indictment against Lawson states, in pertinent part:

{¶ 10} “COUNT I: JASON D. LAWSON, on or about June 4, 2008, in Greene County, Ohio, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code

whereby proper venue is placed in Greene County, Ohio, *did knowingly obtain, possess, or use a controlled substance, to wit: Cocaine, contrary to and in violation of Section 2925.11(A) of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.* (Possession of Cocaine, a felony of the fifth degree).”

{¶ 11} In the instant case, Lawson argues that the evidence was insufficient to convict him of a violation of R.C. § 2925.11(A). If there had there been a trial, the State would be required to prove beyond a reasonable doubt all of the elements contained in the indictment, specifically, that Lawson *knowingly* obtained, possessed, or used cocaine. R.C. § 2925.11(A). In light of Lawson’s no contest plea, however, the State was relieved of this obligation. The State only had to allege sufficient facts to charge a violation of R.C. § 2925.11(A), which it did. *State v. Bird* (1998), 81 Ohio St.3d 582, 584. When Lawson entered a plea of no contest to possession of cocaine, he admitted that the facts alleged in the indictment were true. Thus, Lawson is now precluded from advancing the sufficiency of the evidence argument he seeks to assert. *State v. Bird*, 81 Ohio St.3d at 584.

{¶ 12} Lawson’s sole assignment of error is overruled.

III

{¶ 13} Lawson’s sole assignment of error having been overruled, the judgment of the trial court is affirmed.

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BROGAN, J. and FAIN, J., concur.

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Hon. Stephen A. Wolaver