

[Cite as *State v. Loper*, 2009-Ohio-5919.]

COURT OF APPEALS
LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Sheila G. Farmer, P.J.
	:	W. Scott Gwin, J.
Plaintiff-Appellee	:	Julie A. Edwards, J.
	:	
-vs-	:	Case No. 09-CA-0043
	:	
JENNIFER K. LOPER	:	<u>OPINION</u>
	:	
Defendant-Appellant	:	

CHARACTER OF PROCEEDING: Criminal Appeal from Licking County
Court of Common Pleas Case No.
08-CR-587

JUDGMENT: Affirmed

DATE OF JUDGMENT ENTRY: November 5, 2009

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

KEN OSWALD, ESQ.
Licking County Prosecutor

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Edwards, J.

{¶1} Defendant-appellant, Jennifer Loper, appeals her conviction and sentence from the Licking County Court of Common Pleas on one count of illegal manufacture of drugs (methamphetamine). Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} On August 29, 2008, the Licking County Grand Jury indicted appellant on one count of illegal manufacture of drugs (methamphetamine) in violation of R.C. 2925.04(A)(C)(3)(b), a felony of the first degree. The indictment alleged that the offense was committed in the vicinity of a juvenile. At her arraignment on September 8, 2008, appellant entered a plea of not guilty to the charge.

{¶3} Thereafter, on March 23, 2009, the charge was amended to dismiss the juvenile specification, making the charge a felony of the second degree. After appellant entered a plea of guilty to the amended charge, the trial court, as memorialized in a Judgment Entry filed on March 23, 2009, imposed a five (5) year prison sentence on appellant. The trial court, in its entry, ordered that the sentence run consecutively to the sentence imposed in Case No. 08 CR 539.

{¶4} Appellant now raises the following assignment of error on appeal:

{¶5} “APPELLANT’S CONVICTION WAS NOT SUPPORTED BY SUFFICIENT EVIDENCE AND WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.”

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{¶6} Appellant, in her sole assignment of error, argues that her conviction for illegal manufacture of drugs (methamphetamine) was against the manifest weight and sufficiency of the evidence.

{¶7} Crim.R. 11(B)(1) provides that “a plea of guilty is a complete admission of the defendant's guilt.” See also, *State v. Stumpf* (1987), 32 Ohio St.3d 95, 104, 512 N.E.2d 598. Therefore, a guilty plea waives a defendant's right to challenge sufficiency or manifest weight of the evidence. See *State v. Williams*, Lucas App. No. L-02-1221, 2004-Ohio-4856; *Star v. Chavers*, Wayne App. No. 07CA0065, 2008-Ohio-3199; and *State v. Patterson*, Coshocton App. No. 06-CA-8, 2006-Ohio-5627. Accordingly, after a defendant pleads guilty to an offense, he or she cannot then assert, on direct appeal, that the State lacked sufficient evidence to support his or her conviction or that his or her conviction was against the manifest weight of the evidence. *State v. Siders* (1992), 78 Ohio App.3d 699, 701, 605 N.E.2d 1283. See also *State v. Hill*, Cuyahoga App. No. 90513, 2008-Ohio-4857.

{¶8} Appellant, therefore, has waived any argument that her conviction was against the manifest weight and sufficiency of the evidence.

{¶9} Appellant's sole assignment of error is, therefore, overruled.

{¶10} Accordingly, the judgment of the Licking County Court of Common Pleas is affirmed.

By: Edwards, J.
Farmer, P.J. and
Gwin, J. concur

s/Julie A. Edwards

s/Sheila G. Farmer

s/W. Scott Gwin

JUDGES

JAE/d0814

