

[Cite as *State v. Green*, 2009-Ohio-6582.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 22972
v.	:	T.C. NO. 2007 CR 4217
	:	
MAURICE GREEN	:	(Criminal appeal from Common Pleas Court)
Defendant-Appellant	:	

OPINION

Rendered on the 11th day of December, 2009.

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Attorney for Defendant-Appellant

MAURICE GREEN, #A576-873, Chillicothe Correctional Institute, P. O. Box 5500, Chillicothe, Ohio 45601
Defendant-Appellant

DONOVAN, P.J.

{¶ 1} Appointed counsel for Maurice Green submitted an appellate brief under *Anders v. California*, 386 U.S. 738 (1967), maintaining that no arguably meritorious issues

exist for appeal. After a thorough review of the record, this Court agrees that the trial court's proceedings were proper. Accordingly, we affirm the trial court's judgment.

{¶ 2} Green was charged with rape under R.C. § 2907(A)(2). Green entered into plea negotiations with the State agreeing to plead guilty to the indicted charge of rape. In exchange, the State agreed to a five-year prison sentence and \$2,000.00 in restitution. On April 10, 2008, Green pled guilty to rape, in violation of R.C. § 2907(A)(2), a first degree felony, and waived his right to a pre-sentence investigation. The trial court sentenced Green to the agreed upon sentence of five years and ordered restitution in the amount of \$2,000.00.

{¶ 3} Green's motion for leave to file a delayed appeal was sustained on November 12, 2008. On August 10, 2009, appointed counsel representing Green submitted an *Anders* brief, suggesting that no arguably meritorious issues exist for appeal. By magistrate's order of August 11, 2009 we informed Green that his counsel filed an *Anders* brief and informed him of the significance of an *Anders* brief. We invited Green to file a pro se brief assigning any error for our review within sixty days of August 11, 2009. Green has not filed anything with this Court.

{¶ 4} Pursuant to our responsibilities under *Anders*, we have conducted an independent review of the entire record and, having done so, we agree with the assessment of appointed appellate counsel that there are no arguably meritorious issues to present on appeal. Green and the State agreed upon both the prison sentence and the amount of restitution. Though Green questioned the amount of restitution prior to entering into the agreement, he voluntarily entered into the plea agreement and waived any presentence investigation. Furthermore, the trial court fully complied with Crim.R. 11 in accepting

Green's plea.

{¶ 5} Accordingly, the trial court's judgment is affirmed.

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

Copies mailed to:

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Patrick J. Conboy II
Maurice Green
Hon. Connie S. Price