

[Cite as *State v. Thomas*, 2006-Ohio-267.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. Case No. 20955
vs.	:	T.C. Case No. 04-CR-4379
CLAUDIA J. THOMAS	:	(Criminal Appeal from Common
	:	Pleas Court)
Defendant-Appellant	:	

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OPINION

Rendered on the 13th day of January, 2006.

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MATHIAS H. HECK, JR., Prosecuting Attorney, By: CARLEY J. INGRAM, Assistant Prosecuting Attorney, Atty. Reg. #0020084, Appellate Division, P.O. Box 972, 301 W. Third Street, 5th Floor, Dayton, Ohio 45422
Attorneys for Plaintiff-Appellee

ANNE CATHERINE HARVEY, Atty. Reg. #0054585, 5335 Far Hills Avenue, Suite 313, Dayton, Ohio 45429
Attorney for Defendant-Appellant

CLAUDIA J. THOMAS, Inmate #W060286, Franklin Pre-Release Center, P.O. Box 23651, Columbus, Ohio 43223
Defendant-Appellant

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PER CURIAM:

{¶ 1} Claudia Thomas appeals from her conviction in Montgomery County Common Pleas Court of theft of property having a value in excess of Five Hundred

(\$500) dollars in violation of R.C. 2913.02(A)(1) pursuant to her guilty plea. The trial court sentenced Ms. Thomas to the maximum term of twelve months after the court found she posed the greatest likelihood of committing future crime. The court noted Ms. Thomas had twenty-six felony convictions in five years and numerous misdemeanor convictions. The court noted that Ms. Thomas had been to prison on numerous occasions in the past.

{¶ 2} Appellate counsel has failed to identify any viable issue on appeal and has requested permission to withdraw pursuant to *Anders v. California* (1967), 386 U.S. 738. Ms. Thomas was given an opportunity to file her own brief but she declined to do so. We agree that there are no arguable issues from our review of the record. The trial court complied fully with Crim.R. 11 and Ms. Thomas' plea was made freely and voluntarily with full knowledge of the consequences of that plea. There can be no question in light of Ms. Thomas' criminal history that she represented the greatest likelihood of committing future crime. The maximum sentence imposed by the trial court was appropriate. It is unclear whether the recent decision in *Blakely v. Washington*, 542 U.S. 296, would have entitled Ms. Thomas to a jury trial when the State requested that the court impose the maximum sentence. It is clear there is no likelihood a jury would have come to any different conclusion than the trial court on the question whether Ms. Thomas "posed the greatest likelihood of committing future crime." There is no arguable issue that trial counsel was thus ineffective for not requesting a jury trial on the sentencing issue. *Strickland v. Washington*, 466 U.S. 668 (1984) applied. The judgment of the trial

court is Affirmed.

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BROGAN, P.J., WOLFF, J., and FAIN, J., concur.

Copies mailed to:

Carley J. Ingram
Anne Catherine Harvey
Claudia J. Thomas
Hon. Michael Hall