

[Cite as *State v. Frost*, 2010-Ohio-3342.]

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

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|---------------------|---|----------------------------------|
| STATE OF OHIO | : | |
| | : | Appellate Case No. 2009-CA-26 |
| Plaintiff-Appellee | : | |
| | : | Trial Court Case No. 2006-CR-113 |
| v. | : | |
| | : | (Criminal Appeal from |
| JEFFERY T. FROST | : | Common Pleas Court) |
| | : | |
| Defendant-Appellant | : | |
| | : | |

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OPINION

Rendered on the 16th day of July, 2010.

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NICK A. SELVAGGIO, by SCOTT SCHOCKLING, Atty. Reg. #0062949, Champaign County Prosecutor's Office, 200 North Main Street, Urbana, Ohio 43078
Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Jeffrey Frost appeals from his conviction of two counts of possession of cocaine, one count of carrying a concealed weapon, and one count of possession of criminal tools.

{¶ 2} Frost was sentenced to three years of community control with a

residential substance abuse treatment program. The court informed Frost if his supervision was revoked his sentence would be twelve months on the cocaine possession charge, seventeen months on the carrying a concealed weapon charge, and eleven months on the possession of criminal tools charge. The sentences on the cocaine possession and carrying concealed weapon charge were to be served consecutively to each other. The cocaine possession charge sentence was to be served concurrently to the criminal tools sentence and consecutive to possession of cocaine and concealed weapon charge sentence for a total sentence of forty months.

{¶ 3} In November 2008, Frost was charged with violating the terms of his community control sanction. He admitted to using cocaine and entering a residence without consent and failing to pay fines and costs. At a later hearing, the trial court found that Frost had entered another house without permission of the owner. The trial court then imposed the 40-month sentence upon Frost.

{¶ 4} Frost's appointed counsel suggests the trial court may have erred in imposing consecutive sentences, but concedes that trial courts have wide discretion in imposing sentences within the statutory ranges for crimes and no longer have to give its reasons for imposing consecutive sentences. The trial court noted that Frost committed one of his offenses while out on bond on another charged offense. It is also noteworthy that despite this fact, the trial court initially placed Frost on community control so that he could address his drug addiction which contributed to his criminal behavior. Counsel conceded the trial court did not act unreasonably in not continuing Frost on the community control sanction originally imposed. Counsel has failed to identify any arguable issue for this appeal and he asked to withdraw

from the appeal. See *Anders v. California* (1987), 386 U.S. 738, 87 S.Ct. 1396.

{¶ 5} Frost was provided a copy of appointed counsel's brief, and on February 8, 2010, he was given sixty days to file his own brief in this matter. He has not done so. We have examined the record in this matter and we find Frost's appeal wholly frivolous. See *Anders*, id. The judgment of the trial court is Affirmed.

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FAIN and FROELICH, JJ., concur.

Copies mailed to:

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Hon. Roger B. Wilson