[Cite as *State v. Reese-Johnson*, 2010-Ohio-3357.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO	:	
	:	Appellate Case No. 23726
Plaintiff-Appellee	:	
	:	Trial Court Case No. 09-CR-2563
v.	:	
	:	
TERESA L. REESE-JOHNSON	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

. . . . . .

O P I N I O N

Rendered on the 16th day of July, 2010.

. . . . . .

MATHIAS H. HECK, JR., by CARLEY J. INGRAM, Atty. Reg. #0020084, Montgomery County Prosecutor's Office, Appellate Division, Montgomery County Courts Building, P.O. Box 972, 301 West Third Street, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

LUCAS W. WILDER, Atty. Reg. #0074057, 120 West Second Street, Suite 400, Dayton, Ohio 45402
Attorney for Defendant-Appellant

. . . . . .

FAIN, J.

{¶ 1} Defendant-appellant Teresa L. Reese-Johnson appeals from her conviction and sentence, following a no-contest plea, for Felonious Assault, with a knife, in violation of R.C. 2903.11(A)(2), a felony of the second degree. Her assigned counsel has filed a brief under the authority of *Anders v. California* (1967),

386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493, reporting that he has found no potential assignments of error having arguable merit. Neither have we. Accordingly, the judgment of the trial court is Affirmed.

I

{¶ 2} New Lebanon police officer James Chambers was dispatched to a residence in New Lebanon, Ohio, at about 5:00 a.m., on the morning of August 6, 2009. He found the victim, covered in blood, carrying two knives by the blades, standing in a yard. The victim said she had just been involved in an "incident" with Reese-Johnson, and was "slashed up."

{¶ 3} Chambers stopped Reese-Johnson, who was exiting a garage, took her into custody, put her in handcuffs, and put her into his police cruiser. He then advised her of her rights under *Miranda v. Arizona* (1966), 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694. Chambers elicited from Reese-Johnson that she understood each right, after it had been explained to her. He then interrogated her for about ten minutes. The substance of what Reese-Johnson told Chambers is not in our record on appeal.

{¶ 4} Chambers said that he has had prior interaction with Reese-Johnson, and that she is intelligent. There was no indication that she was under the influence, or did not understand what Chambers was telling her. There was no indication that Reese-Johnson's statements were other than knowing and voluntary.

{¶ 5} Reese-Johnson was charged with Felonious Assault. She moved to suppress the statements she made to Chambers, contending that her rights under

Miranda v. Arizona, supra, had been violated. A hearing was held on her motion. Thereafter, her motion to suppress was overruled.

{¶ 6} Following the overruling of Reese-Johnson's motion to suppress, she pled no contest to the charge, and after an appropriate plea colloquy, the trial court accepted her plea and found her guilty of the charge. The trial court ordered a pre-sentence investigation.

{¶ 7} Reese-Johnson appeared at the sentencing hearing with her counsel, and was afforded the opportunity to address the court. She was sentenced to imprisonment for a term of three years, restitution in the amount of $150, and costs. She was notified that she would be subject to a period of three years of post-release control.

{¶ 8} From her conviction and sentence, Reese-Johnson appealed.

II

{¶ 9} Reese-Johnson's assigned counsel has filed a brief under the authority of *Anders v. California*, supra, indicating that he could not find any potential assignments of error having arguable merit. By entry filed March 23, 2010, we accorded Reese-Johnson the opportunity to file her own, pro se brief. She has not done so.

{¶ 10} As required by *Anders v. California*, supra, we have reviewed the entire record, including the transcripts of the suppression hearing, the plea hearing, and the sentencing hearing. We have also read the pre-sentence investigation report.

{¶ 11} We have found no potential assignments of error having arguable merit. Officer Chambers's testimony at the suppression hearing was credible. He testified

that he advised Reese-Johnson of her *Miranda* rights before interrogating her; that she did not appear to be under the influence or mentally confused; that she appeared to understand her rights; and that she voluntarily responded to his questioning. There is nothing in the record to suggest otherwise.

{¶ 12} The plea colloquy was thorough. There is nothing in the record to suggest that Reese-Johnson's plea was other than knowing and intelligent.

{¶ 13} Although this was Reese-Johnson's first felony conviction, she has a criminal history that includes eight misdemeanor convictions. At the time of her sentencing, Reese-Johnson was 44 years old. She has a history of drug and alcohol abuse. The prison sentences available to the trial court were two, three, four, five, six, seven, or eight years. The sentence imposed – three years – is next to the least severe term that the trial court could have chosen. The court could have chosen to impose community control sanctions, instead, but in view of the multiple wounds sustained by the victim (although it appears that none of them was especially serious), Reese-Johnson's prior criminal history, and her prior history of drug and alcohol abuse, we see no reasonable argument to be made that the trial court abused its discretion in imposing sentence.

III

{¶ 14} After reviewing the entire record, we find no potential assignments of error having arguable merit, and conclude that this appeal is wholly frivolous. Accordingly, the judgment of the trial court is Affirmed.

. . . . . .

BROGAN and GRADY, JJ., concur.

Copies mailed to:

Mathias H. Heck
Carley J. Ingram
Lucas W. Wilder
Teresa L. Reese-Johnson
Hon. Mary K. Huffman