

[Cite as *State v. Douglas*, 2010-Ohio-5042.]

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

STATE OF OHIO

Plaintiff-Appellee

v.

MICHAEL R. DOUGLAS

Defendant-Appellant

Appellate Case No. 23988

Trial Court Case No. 09-CR-3261

(Criminal Appeal from
Common Pleas Court)

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OPINION

Rendered on the 15th day of October, 2010.

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Attorney for Plaintiff-Appellee

J. ALLEN WILMES, Atty. Reg. #0012093, 4428 North Dixie Drive, Dayton, Ohio 45414
Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Michael Douglas appeals from the judgment of the trial court revoking his community sanction imposed upon him. In November 2009, Douglas was convicted

of having a weapon while under a disability, a felony of the third degree. Douglas was placed on community control on January 12, 2010 for a period not to exceed five years. He was required to undergo drug treatment at the Veterans Administration and undergo intense supervision.

{¶ 2} On January 21, 2010, Douglas was ordered by Judge Carl Henderson of the Dayton Municipal Court to be “trespassed” from RTA property except to ride a bus to his V.A. appointments. On March 5, 2010, Douglas admitted to his probation officer that he rode an RTA bus to his Montgomery County Probation Department office visit. Douglas was charged with two probation rule violations, one that he violated the law by disobeying Judge Henderson’s order and, two, that he did not accomplish his probation case plan objectives by violating the court’s trespass order.

{¶ 3} On March 30, 2010, Douglas appeared in court and admitted he violated the terms of his community control sanction knowing his probation sanction would be revoked. Douglas asked the court to sentence him to “full time drug rehab” or to the county jail because his daughter needed his V.A. benefits in order to continue school at Sinclair Community College. Douglas stated he was afraid if he was sentenced to prison, she would lose those benefits. The trial court sentenced Douglas to one year in prison although the court could have imposed a five-year sentence.

{¶ 4} Douglas’ counsel has filed an *Anders* brief stating he could find no arguable merit to this appeal. Douglas was notified of his counsel’s finding and he was given an opportunity to file his own brief. He has not done so. We have reviewed the record below and we agree Douglas’ appeal is wholly frivolous. There is no arguable merit to this appeal. The judgment of the trial court is affirmed.

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DONOVAN, P.J., and FROELICH, J., concur.

Copies mailed to:

Carley J. Ingram
J. Allen Wilmes
Michael R. Douglas
Hon. Gregory F. Singer