

[Cite as *State v. Kincer*, 2003-Ohio-909.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO :
Plaintiff-Appellee : C.A. Case No. 19380
v. : T.C. Case No. 02-CR-0040
CHAD ALLEN KINCER : (Criminal Appeal from Common
Defendant-Appellant : Pleas Court)

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OPINION

Rendered on the 28th day of February, 2003.

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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, Suite 500, Dayton, Ohio 45422
Attorneys for Plaintiff-Appellee

JAMES C. STATON, Atty. Reg. #0068686, 5613 Brandt Pike, Huber Heights, Ohio
45424
Attorney for Defendant-Appellant

CHAD ALLEN KINCER, 4214 Otis Drive, Dayton, Ohio 45416
Defendant-Appellant

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FAIN, P.J.

{¶1} Defendant-appellant Chad Kincer appeals from his conviction and

sentence upon one count of Unlawful Sexual Conduct with a Minor. Kincer pled guilty to the charge. He was sentenced to community control sanctions, including 180 days in jail, and was designated a sexually oriented offender, the lowest possible classification for this offense.

{¶2} Kincer's appellate counsel has filed a brief pursuant to *Anders v. California* (1967), 386 U.S. 738, reciting that counsel has not been able to find any claims of error having arguable merit. By entry filed November 22, 2002, this court notified Kincer that his counsel had filed an *Anders's* brief, and granted him sixty days within which to file his own, pro se brief. He has not done so.

{¶3} We have independently reviewed the entire record in this case, including the transcript of the plea hearing and the sentencing hearing. We conclude that the trial court fully complied with Crim.R. 11 when taking the plea, and that the record reflects that Kincer's plea was knowing and voluntary.

{¶4} The victim made a statement at the sentencing hearing, and that statement supports the trial court's finding that the victim suffered serious psychological harm. The minimum prison term for this offense is six months; the maximum is eighteen months. Kincer received community control sanctions, including, as part of the community control sanctions, 180 days in jail. The record supports this disposition, and we find no claim of error having arguable merit with respect to the imposition of sentence.

{¶5} Kincer was classified as a sexually oriented offender, the lowest classification available for this offense.

{¶6} In conclusion, we agree with Kincer's appellate counsel that there are

no potential assignments of error having arguable merit, and that this appeal is wholly frivolous. Accordingly, the judgment of the trial court is Affirmed.

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WOLFF and GRADY, JJ., concur.