

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS.	C-240027
			C-240028
Plaintiff-Appellee,	:		C-240029
			C-240030
vs.	:	TRIAL NOS.	B-2000167
			B-2002866
QUINCY JONES,	:		B-2102843
			B-2202826
Defendant-Appellant.	:		
	:		<i>JUDGMENT ENTRY.</i>

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Across four cases arising from January 2020 through June 2022, the state indicted defendant-appellant Quincy Jones on a total of 28 drug-related charges: 14 counts of drug trafficking in violation of R.C. 2925.03(A)(2) and 14 counts of drug possession in violation of R.C. 2925.11(A). Ultimately, Mr. Jones entered into a plea agreement resolving the charges in all four cases—cases numbered B-2000167, B-2002866, B-2102843, and B-2202826. The trial court ordered him to serve the agreed sentence of four years in the Ohio Department of Corrections (“D.O.C.”) with credit for 664 days served. Each sentence imposed in the three other cases was to run concurrently to the sentence imposed in B-2000167. He now appeals.

Mr. Jones’s appointed counsel advised this court that he performed a conscientious review of the record in this case and could find no issues of arguable merit that would support Mr. Jones’s appeal. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.E.2d 493 (1967); *see also Freels v. Hills*, 843 F.2d 958 (6th Cir.1988). Counsel, as required by *Anders*, communicated this conclusion to Mr. Jones via letter. During a telephone conversation

discussing the merits of his appeal, Mr. Jones indicated that he understood his counsel's intention to file a no-error brief. Mr. Jones's counsel has moved this court for permission to withdraw as counsel and requested that we independently examine the record to determine whether the appeal is wholly frivolous. *See Anders* at 744. Having done so, we agree with counsel's conclusion that the proceedings below are free of error prejudicial to Mr. Jones and that no grounds exist to support a meritorious appeal.

A review of this record shows that the trial court complied with all aspects of Crim.R. 11(C) and properly advised Mr. Jones that he was giving up certain constitutional rights by pleading guilty. The trial court notified him that he may be placed on post-release control, explained what that meant, and warned of additional incarceration he would face if he violated post-release control or committed a new felony. The court imposed the sentence to which Mr. Jones agreed—four years in the D.O.C. with credit for 664 days served.

At the sentencing hearing, the trial court orally indicated that each of Mr. Jones's sentences in the cases numbered B-2002866, B-2102843, and B-2202826 were to run concurrently to the sentences imposed in the case numbered B-2000167. The court included this detail on each subsequent sentencing entry, except for the case numbered B-2002866. Although the sentencing entry for the case numbered B-2002866 does not state that it is to run concurrently to the sentences imposed in the case numbered B-2000167, when a sentencing entry does not state which type of sentence is to be imposed, by operation of law, the sentence runs concurrently unless certain circumstances apply or the trial court makes the required findings under R.C. 2929.14(C)(4). *See State v. Jones*, Slip Opinion No. 2024-Ohio-1083, ¶ 11 (“Under Ohio’s statutory sentencing scheme, there is a presumption that a defendant’s multiple prison sentences will be served concurrently[.]”). Here, no such circumstances apply, and the trial court did not make any of the required findings to justify consecutive sentences. Thus, the sentences in the case numbered B-2002866 are presumed

to run concurrently to the sentences in the case numbered B-2000167, and the clerical oversight on the sentencing entry is not prejudicial.

Therefore, we overrule counsel's motion to withdraw from his representation of appellant and affirm the judgments of the trial court. We hold that this appeal is frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35. But we refrain from taxing costs and expenses against appellant because he is indigent.

The court further orders that 1) a copy of this Judgment constitutes the mandate, and 2) the mandate be sent to the trial court for execution under App.R. 27.

BERGERON, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the Journal of the Court on 7/19/2024 per Order of the Court.

By: _____
Administrative Judge