

[Cite as *State v. Sanders*, 2010-Ohio-301.]

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

STATE OF OHIO	:	
	:	Appellate Case No. 09-CA-35
Plaintiff-Appellee	:	
	:	Trial Court Case No. 09-CR-219
v.	:	
	:	
JONATHAN S. SANDERS	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	

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OPINION

Rendered on the 29<sup>th</sup> day of January, 2010.

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JAMES BENNETT, by ANTHONY E. KENDELL, Atty. Reg. #0067242, Miami County  
Prosecutor's Office, 201 West Street, Safety Building, Troy, Ohio 45373  
Attorney for Plaintiff-Appellee

JOSEPH W. FULKER, Atty. Reg. #0082080, Faust, Harrelson, Fulker, McCarty &  
Schlemmer, LLP, Post Office Box 8, 12 South Cherry Street, Troy, Ohio 45373  
Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Jonathan Sanders appeals from his conviction in the Miami County  
Common Pleas Court of sexual battery pursuant to his no-contest plea. Sanders  
had originally been charged with rape. Sanders' appellate lawyer has filed an  
*Anders* brief with us stating he could find no arguable merit to Sanders' appeal.

{¶ 2} The pre-sentence investigation provided a narrative of the facts surrounding the offense. The victim was a 23-year-old female with learning disabilities. The victim reported to police that Sanders forcibly raped her. A medical exam revealed the victim showed signs of vaginal tearing and bleeding. Sanders initially told police the victim consented to having sex with him. He later admitted that the victim resisted his having sex with her.

{¶ 3} The trial court sentenced Sanders to five years in prison and to be placed on five years post-release control, and that he complete sex-offender counseling and treatment. The court also designated Sanders as a Tier 3 sex offender.

{¶ 4} Prior to sentencing, the court heard from the victim's mother who stated that her daughter has a tender heart and the defendant took advantage of her daughter and raped her against her will. She told the court her daughter now does not sleep well, is afraid to leave her home, and cries a lot. The victim's mother stated she believed Sanders was a danger to the public and needs professional help so that he will not victimize another innocent young woman. The court also heard from Lisa Meyer with the Miami County Board of Developmental Disabilities who read a letter from the victim. The victim expressed much of the same thoughts as expressed by her mother. Lisa Meyer told the court how the victim's confidence and independence had been severely damaged by the crime perpetrated upon her.

{¶ 5} The court noted that Sanders had two prior convictions for assault, one conviction for attempted felonious assault and had previously served a prison term. The court noted that it considered the purposes of sentencing found at R.C. 2929.11

and R.C. 2929.12 in imposing the sentence upon Sanders.

{¶ 6} We have reviewed the transcript of Sanders' plea and sentencing and find no arguable merit to his appeal. *Anders v. California* (1976), 386 U.S. 738. The sentence imposed was appropriate.

{¶ 7} The judgment of the trial court is Affirmed.

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

Copies mailed to:

James Bennett  
Anthony E. Kendell  
Joseph W. Fulker  
Jonathan S. Sanders  
Hon. Jeffrey M. Welbaum