

[Cite as *State v. Pittman*, 2010-Ohio-842.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 23519
v.	:	T.C. NO. 08-CR-3246
	:	
MARCUS D. PITTMAN	:	(Criminal appeal from Common Pleas Court)
	:	
Defendant-Appellant	:	
	:	

OPINION

Rendered on the 5th day of March, 2010.

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MARCUS D. PITTMAN, #A608-475, Lebanon Correctional Institute, P. O. Box 56, Lebanon, Ohio 45036
Defendant-Appellant

DONOVAN, P.J.

{¶ 1} This matter is before the Court on the Notice of Appeal of Marcus D. Pittman, filed June 30, 2009. On November 12, 2008, Pittman was indicted on

six counts of aggravated robbery, each with a firearm specification, one count of kidnaping, with a firearm specification, and two counts of having weapons while under disability. On December 1, 2008, Pittman filed a motion to suppress, which the trial court overruled after a hearing.

{¶ 2} On February 23, Pittman filed a motion to sever the six counts of aggravated robbery. The trial court determined that four counts of aggravated robbery, with firearm specifications, and one count of kidnaping, with a firearm specification, and two counts of having weapons while under disability would be tried together and first, and the two remaining counts of aggravated robbery, with firearm specifications, would be tried together after the first trial. The initial trial began on April 6, 2009, and on April 10, 2009, Pittman executed a limited waiver of his right to a trial by jury as to the charges of having weapons while under disability. A jury found Pittman guilty of three counts of aggravated robbery, one count of kidnaping, and the three accompanying firearm specifications. The jury found Pittman not guilty of the remaining aggravated robbery charge and firearm specification. The trial court found Pittman guilty of the two charges of having weapons while under disability, and Pittman received an aggregate prison term of 18 years.

{¶ 3} The second trial was set for June 8, 2009, and Pittman executed a limited time waiver, effective through the week of June 8th. On May 19th, the State made an oral motion during the trial court's docket to continue the trial date due to the unavailability of the State's lead detective. The trial was reset for July 8th. On July 10th, the trial court granted Pittman's oral motion to dismiss count seven,

aggravated robbery, and a jury found Pittman not guilty of the remaining aggravated robbery charge.

{¶ 4} Appellate counsel for Pittman filed a brief pursuant to *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493, stating that he can find no meritorious issues for appellate review. Appellate counsel further asserts no potential issues for our review. We informed Pittman that his attorney had filed an *Anders* brief and of the significance of an *Anders* brief, and we invited Pittman to file pro se assignments of error within 60 days. Although Pittman requested and was granted an extension of time in which to file his pro se brief, we have not received any brief from Pittman.

{¶ 5} Having thoroughly reviewed the record before us, we agree with the initial assessment of appellate counsel that there are no meritorious issues for appellate review. Pursuant to our responsibilities under *Anders*, we have independently examined the entire record before us, and we conclude, as did appellate counsel, that there are no appealable issues. In summary, the evidence before us established Pittman’s guilt beyond a reasonable doubt of aggravated robbery of a Cricket Wireless store, with a firearm specification; of aggravated robbery of Jam Sports, with a firearm specification; of aggravated robbery of Goldmine Jewelers, with a firearm specification; and kidnaping of Toufek Hakim, an employee of Cricket Wireless, with a firearm specification; and two counts of having weapons while under disability.

{¶ 6} Accordingly, the judgment of conviction and sentence is affirmed.

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BROGAN, J. and FAIN, J., concur.

Copies mailed to:

Carley J. Ingram
J. David Turner
Marcus D. Pittman
Hon. Michael T. Hall