

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

STATE OF OHIO,	:	APPEAL NO. C-150451
Plaintiff-Appellee,	:	TRIAL NO. 14CRB-34236
vs.	:	<i>JUDGMENT ENTRY.</i>
TERRY WALKER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a bench trial, defendant-appellant Terry Walker appeals his conviction for failing to comply with a lawful order issued by the Cincinnati director of buildings and inspections to remediate the condition of a structure owned by Walker, and to obtain a vacated building maintenance license (“VBML”) for the property. The trial court imposed a one-year community-control sanction and ordered Walker to remedy the defects to the structure.

In his single assignment of error, Walker claims that his trial counsel was ineffective for questioning the city’s witnesses about the interior of the structure, and for asking Walker whether he resided at the property.

To prevail on a claim of ineffective assistance of trial counsel, Walker must show, first, that trial counsel’s performance was deficient and, second, that the deficient performance was so prejudicial that he was denied a reliable and fundamentally fair

proceeding. *See Lockhart v. Fretwell*, 506 U.S. 364, 113 S.Ct. 838, 122 L.Ed.2d 180 (1993); *see also State v. Bradley*, 42 Ohio St.3d 136, 538 N.E.2d 373 (1989), paragraphs two and three of the syllabus. A reviewing court will not second-guess trial strategy and must indulge a strong presumption that counsel's conduct fell within the wide range of reasonable professional assistance. *See State v. Mason*, 82 Ohio St.3d 144, 157-158, 694 N.E.2d 932 (1998).

Here, Walker's experienced trial attorney thoroughly cross-examined the city inspectors and highlighted inconsistencies in their testimony. While the city's testimony was limited to violations concerning the exterior of the property, VBML orders necessarily relate to both the interior and the exterior conditions of a structure. Counsel's inquiry into the interior condition of the structure served to undermine the basis for the city's issuance of the orders in question. Moreover, Walker admits, in his appellate brief, that counsel's inquiry into whether Walker resided in the structure was harmless in light of the substantial evidence of the dilapidated condition of the exterior of the structure.

After reviewing the entire record, we hold that counsel's efforts were not deficient, and that Walker was not prejudiced in any way. The result of the trial was reliable and fundamentally fair. The assignment of error is overruled.

Therefore, we affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on April 29, 2016
per order of the court _____.
Presiding Judge