

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

STATE OF OHIO,	:	APPEAL NO. C-170645
	:	TRIAL NO. B-1506395A
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
JARVIS HARRIS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Jarvis Harris has appealed from the trial court's entry denying his postsentence motion to withdraw his guilty pleas. Harris pled guilty to felonious assault with an accompanying weapon specification, having a weapon while under a disability, tampering with evidence, and receiving stolen property. He received an aggregate sentence of four years' imprisonment. Harris did not directly appeal his convictions, but instead filed a motion to withdraw his guilty pleas several months after sentencing. Harris's motion argued that his trial counsel had rendered ineffective assistance. The trial court denied Harris's motion.

Harris has appealed. We recast his single assignment of error to argue that the trial court erred in denying his motion to withdraw his guilty pleas because he had received ineffective assistance from his trial counsel. A defendant has the right to the effective assistance of counsel at all critical stages of a criminal proceeding. *State v. Roberson*, 141 Ohio App.3d 626, 629, 752 N.E.2d 984 (6th Dist.2001). This

includes plea negotiations. *State v. Bishop*, 2014-Ohio-173, 7 N.E.3d 605, ¶ 7 (1st Dist.). We review the trial court's denial of Harris's motion to withdraw for an abuse of discretion. *State v. Valdez*, 1st Dist. Hamilton No. C-160437, 2017-Ohio-4260, ¶ 5. Pursuant to Crim.R. 32.1, a postsentence motion to withdraw a guilty plea should only be granted to correct a manifest injustice. *Id.* Implicit in the trial court's denial of Harris's motion was its determination that he had failed to demonstrate a manifest injustice.

Harris's contentions with respect to counsel's ineffectiveness are dependent upon matters outside the record. But Harris did not support his motion to withdraw with an affidavit or any evidence from outside the record. Nor has he provided this court with a transcript from his plea hearing, or from any hearing on the motion to withdraw, to review. Consequently, we cannot find that the trial court abused its discretion in determining that Harris failed to establish a manifest injustice that would necessitate withdrawal of his guilty pleas. *See id.* at ¶ 21; *State v. Martin*, 1st Dist. Hamilton Nos. C-120481 and C-120525, 2013-Ohio-1966, ¶ 13 (holding that, in the absence of a transcript of the plea hearing, the appellate court could not find that the trial court abused its discretion in determining that withdrawing the defendant's plea was not necessary to correct a manifest injustice).

Harris's assignment of error is overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., ZAYAS and MYERS, JJ.

To the clerk:

Enter upon the journal of the court on November 16, 2018
per order of the court _____.

Presiding Judge