

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

STATE OF OHIO,	:	APPEAL NO. C-180198
	:	TRIAL NO. B-1100001
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHRISTOPHER DANGERFIELD,	:	
	:	
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 Christopher Dangerfield appeals from the trial court's denial of his Crim.R. 32.1 post-sentence motion to withdraw his guilty plea. We affirm.

Dangerfield was convicted in 2013 upon his guilty plea to aggravated murder. We affirmed his conviction on direct appeal. *See State v. Dangerfield*, 1st Dist. Hamilton Nos. C-130305 and C-130301, 2014-Ohio-1631. Shortly thereafter, Dangerfield challenged his conviction in two Crim.R. 32.1 motions filed in 2015 and 2016, in which Dangerfield argued that he was actually innocent and that his guilty plea was the involuntary product of psychotropic drugs, mental illness, mental retardation, and his trial counsel's ineffectiveness in counseling his plea. We affirmed the trial court's denial of those motions on appeal, holding that the trial

court had jurisdiction to consider the Crim.R. 32.1 motions and that the court had not abused its discretion in denying the motions without holding an evidentiary hearing. *See State v. Dangerfield*, 1st Dist. Hamilton Nos. C-160709 and C-160578, C-160566 (Nov. 17, 2017).

Dangerfield filed another Crim.R. 32.1 motion to withdraw his guilty plea in February 2018, which the trial court denied. In that motion, Dangerfield made a similar argument as before, contending that his guilty plea was the involuntary product of psychotropic drugs, which diminished his mental capacity to understand the plea proceedings. He attached copies of his medical records, which indicated the specific drugs he had been prescribed for depression around the time of his plea hearing.

A trial court may not grant a post-sentence motion to withdraw a guilty plea unless the defendant establishes that a manifest injustice will result if the plea stands. Crim.R. 32.1; *State v. Xie*, 62 Ohio St.3d 521, 584 N.E.2d 715 (1992). The trial court's decision granting or denying the motion, as well as its decision to hold an evidentiary hearing on the motion, is discretionary and may not be disturbed on appeal unless the court abused its discretion. *See State v. West*, 2017-Ohio-5596, 93 N.E.3d 1221, ¶ 6 (1st Dist.), citing *State v. Smith*, 49 Ohio St.2d 261, 361 N.E.2d 1324 (1977); *State v. Brown*, 1st Dist. Hamilton No. C-010755, 2002-Ohio-5813.

Upon review of the record, we conclude that the trial court, in overruling the Crim. R. 32.1 motion without an evidentiary hearing, did not abuse its discretion. The medical records that Dangerfield had submitted did not indicate that the drugs that Dangerfield had been prescribed for depression had the potential to diminish his mental capacity to make meaningful decisions. Given that the record of the proceedings of the plea hearing contradicts Dangerfield's self-serving statement in

his affidavit that his mental capacity was so diminished that he could not intelligently enter a plea, we cannot say that the trial court abused its discretion in denying his Crim.R. 32.1 motion.

Accordingly, the single assignment of error is overruled, and the judgment of the trial court is affirmed.

Further, 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., MYERS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 29, 2018
per order of the court _____.
Presiding Judge