

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

STATE OF OHIO,	:	APPEAL NO. C-080114
	:	TRIAL NO. B-0708699
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LEDON RICHARDSON,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Ledon Richardson appeals his conviction for domestic violence. We conclude that his sole assignment of error does not have merit, so we affirm the judgment of the trial court.

Richardson was indicted for domestic violence against his wife. On December 3, 2007, he pleaded guilty to the offense. During the sentencing hearing on January 14, 2008, Richardson’s counsel informed the court that Richardson wanted to withdraw his plea. According to Richardson, his counsel had told him prior to pleading that he would receive probation for the offense. The trial court denied his motion to withdraw his plea and sentenced him to one year in prison with credit for 81 days that Richardson had already served.

In his sole assignment of error, Richardson asserts that the trial court erred when it denied his motion to withdraw his guilty plea. “[A] defendant does not have an absolute

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

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right to withdraw a guilty plea prior to sentencing. A trial court must conduct a hearing to determine whether there is a reasonable and legitimate basis for the withdrawal of the plea.”² We must review the trial court’s denial of Richardson’s motion to determine whether it was an abuse of discretion.³

Here, Richardson asserts that his counsel had improperly informed him that he would receive probation. But the record does not bear out this assertion. Richardson’s counsel told the court that he had not promised Richardson that he would receive probation. And Richardson offered no evidence to the contrary. We conclude that the trial court did not abuse its discretion when it denied Richardson’s motion to withdraw his plea. Richardson’s sole assignment of error is without merit, and we, therefore, affirm the judgment of the trial court.

PAINTER, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on January 21, 2009

per order of the Court _____
Presiding Judge

² *State v. Xie* (1992), 62 Ohio St.3d 21, 584 N.E.2d 715, paragraph one of the syllabus.

³ *Id.*, paragraph two of the syllabus.