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

STATE OF OHIO,	:	APPEAL NO. C-081193 TRIAL NOS. B-0702268
Plaintiff-Appellee,	:	B-0703803
vs.	:	*JUDGMENT ENTRY.*
SHAWN MATTHEWS,	:	
Defendant-Appellant.	:	

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

Defendant-appellant, Shawn Matthews, appeals the judgments of the Hamilton County Court of Common Pleas convicting him of three counts of dogfighting, felonies of the fourth degree, and one count of trafficking in cocaine, a felony of the first degree.

On February 11, 2008, Matthews entered a no-contest plea to the dogfighting charges. During the Crim.R. 11 colloquy, Matthews told the trial court that he could read and write, and that he understood the charges against him. The trial court found him guilty and deferred sentencing until the resolution of the drug-trafficking charge.

Then, on May 28, 2008, Matthews entered a guilty plea to drug trafficking. During the Crim.R. 11 colloquy, Matthews informed the trial court that he could not

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

read and write. He expressed reservations about his no-contest plea to the dogfighting charges and about the guilty plea to the trafficking offense. Nonetheless, he indicated his willingness to plead guilty to the drug charge. The trial court accepted the plea and sentenced him to three years' imprisonment for drug trafficking, which was made consecutive to a two-year aggregate term for dogfighting.

In his first assignment of error, Matthews now argues that his pleas were not knowingly and voluntarily entered. Specifically, he argues that the trial court and his attorney had pressured him into entering the pleas and that his illiteracy had prevented him from understanding the implications of relinquishing his rights.

We find no merit in the assignment of error. The trial court conducted meticulous Crim.R. 11 colloquys, and Matthews maintained his willingness to enter the pleas. Both the court and his counsel ensured that Matthews understood the implications of the pleas and that he was voluntarily relinquishing his right to be tried for the offenses. We overrule the first assignment of error.

In his second assignment of error, Matthews contends that he was denied the effective assistance of trial counsel. He again argues that his attorney pressured him into entering the pleas, knowing that they were not voluntary, and that counsel minimized his concerns about entering the pleas.

To establish ineffective assistance of counsel, the defendant must demonstrate that counsel's performance fell below an objective standard of reasonable performance and that prejudice arose from counsel's performance.[2]

In this case, Matthews has failed to demonstrate that he was denied effective representation. We have already rejected Matthews's contention that his trial

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[2] *Strickland v. Washington* (1984), 466 U.S. 668, 686, 104 S.Ct. 2052; *State v. Bradley* (1989), 42 Ohio St.3d 136, 538 N.E.2d 373, paragraphs two and three of the syllabus.

attorney had pressured him into entering the pleas. And contrary to Matthews's contention, his trial counsel encouraged him to discuss his concerns about the pleas with the trial court. Although Matthews cites instances in the record where counsel interrupted him in his discussions with the court, he has failed to show that those interruptions resulted in prejudice. We overrule the second assignment of error.

In his third and final assignment of error, Matthews argues that the trial court erred in ordering consecutive sentences for dogfighting and drug trafficking. He contends that, because he had no prior criminal record, the sentences were excessive.

Under *State v. Foster,*[3] a trial court has full discretion to impose a sentence within the statutory range. In this case, there was no abuse of discretion. Although the trial court ordered consecutive sentences, the five-year aggregate term was far less than the maximum sentence that Matthews could have received. Thus, despite the absence of prior offenses, the trial court's sentencing decision was not arbitrary, unreasonable, or unconscionable. We overrule the third assignment of error and affirm the judgments of the trial court.

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.

HILDEBRANDT, P.J., DINKELACKER and **MALLORY, JJ.**

To the Clerk:

Enter upon the Journal of the Court on April 7, 2010

per order of the Court _____.
Presiding Judge

[3] 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470.