

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

STATE OF OHIO,	:	APPEAL NO. C-120504
	:	TRIAL NO. B-1106791C
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
LORENZO TILLMAN,	:	
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.

As part of a plea agreement, defendant-appellant Lorenzo Tillman pleaded guilty to one count of participating in a criminal gang under R.C. 2923.42 and one count of trafficking in cocaine under R.C. 2925.03(A). Before sentencing, he moved to withdraw his pleas. He argued that he had always maintained his innocence and that he had been repeatedly denied employment due to the plea to the gang-related charge. The trial court overruled Tillman's motion and sentenced him to three years of community control with intensive supervision. This appeal followed.

In his sole assignment of error, Tillman contends that the trial court erred in overruling his motion to withdraw his pleas. A defendant does not have an absolute right to withdraw a guilty plea prior to sentencing. *State v. Xie*, 62 Ohio St.3d 521, 527, 584 N.E.2d 715 (1992); *State v. Fields*, 1st Dist. No. C-090648, 2010-Ohio-4114, ¶ 12. The record shows that the trial court conducted a full plea hearing in compliance with Crim.R. 11 before accepting Tillman's pleas. It also held a hearing

on his motion to withdraw his pleas and considered all the appropriate factors. *See State v. Fish*, 104 Ohio App.3d 236, 240, 661 N.E.2d 788 (1st Dist.1995).

Nothing in the record shows that Tillman's motion was anything other than a change of heart. A "mere change of heart" is not a valid reason for the withdrawal of a plea. *State v. Jones*, 1st Dist. No. C-110603, 2012-Ohio-2075, ¶ 9. Under the circumstances, we cannot hold that the trial court's decision to deny Tillman's motion to withdraw his pleas was so arbitrary, unreasonable or unconscionable as to connote an abuse of discretion. *See Xie* at 527; *Fields* at ¶ 12-14. Consequently, we overrule Tillman's assignment of error and affirm the trial court's judgment.

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

CUNNINGHAM, P.J., DINKELACKER and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on April 17, 2013

per order of the court _____.
Presiding Judge