

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

STATE OF OHIO,	:	APPEAL NO. C-130424
Plaintiff-Appellee,	:	TRIAL NO. B-1100326
vs.	:	<i>JUDGMENT ENTRY.</i>
DENNIS C. REYNOLDS,	:	
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.

Defendant-appellant Dennis C. Reynolds appeals from the Hamilton County Common Pleas Court’s judgment overruling his Crim.R. 32.1 motion to withdraw his guilty plea. We affirm the court’s judgment.

In 2011, Reynolds was indicted for aggravated murder and convicted upon his guilty plea to the lesser offense of murder. The trial court imposed a prison term of 15 years to life, to be served consecutively to a three-year term for a firearm specification.

Reynolds did not timely appeal his conviction. In 2013, he moved under Crim.R. 32.1 to withdraw his guilty plea on the ground that the plea had been the unknowing and unintelligent product of his trial counsel’s ineffectiveness in investigating his case and preparing a defense, in failing to seek a change of venue, and in falsely assuring him that his sentence would not exceed ten years and would later be

commuted. In this appeal, Reynolds advances two assignments of error challenging the overruling of his motion without an evidentiary hearing.

In deciding the motion, the common pleas court did not have before it a transcript of the proceedings at the plea or sentencing hearing, because Reynolds had neither timely appealed his conviction nor requested that a transcript be prepared for the court's decision on the motion. Nor did Reynolds support his motion with outside evidence that might be said to demonstrate trial counsel's alleged deficiencies. Thus, on the record before us, we cannot say that the court abused its discretion either in deciding the motion without an evidentiary hearing, *see State v. Brown*, 1st Dist. Hamilton No. C-010755, 2002-Ohio-5813, or in overruling the motion. *See State v. Smith*, 49 Ohio St.2d 261, 361 N.E.2d 1324 (1977), paragraphs one and two of the syllabus.

We, therefore, overrule the assignments of error and affirm the judgment of the common pleas court.

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

To the clerk:

Enter upon the journal of the court on March 26, 2014

per order of the court \_\_\_\_\_.  
Presiding Judge