

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

STATE OF OHIO,	:	APPEAL NO. C-130586
	:	TRIAL NO. B-1300373
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
RONALD ELDRED,	:	
	:	
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 Ronald Eldred pled guilty to failure to provide notice of a change of address under R.C. 2950.05. Prior to sentencing, Eldred made an oral motion to withdraw his guilty plea. The trial court overruled Eldred's motion to withdraw and imposed a sentence of 30 months' imprisonment. Eldred now appeals.

In his first assignment of error, Eldred argues that the trial court erred in overruling his motion to withdraw his guilty plea. A pre-sentence motion to withdraw a guilty plea should be freely and liberally granted, but a defendant does not have an absolute right to withdraw a previously entered plea. *State v. Xie*, 62 Ohio St.3d 521, 527, 584 N.E.2d 715 (1992). A trial court's ruling on a motion to

withdraw a guilty plea will not be reversed absent an abuse of discretion. *Id.*, at paragraph two of the syllabus.

Eldred sought to withdraw his guilty plea because he believed that he had been improperly classified as a sexual predator and because he believed that the attorney who had represented him during his classification hearing had not performed adequately. Eldred's arguments in support of his motion to withdraw are not relevant to his guilty plea for failure to provide notice of a change of address. Rather, they concern a prior conviction and classification hearing.

This court has outlined various factors for a court to consider when ruling on a motion to withdraw a guilty plea. *See State v. Fish*, 104 Ohio App.3d 236, 240, 661 N.E.2d 788 (1st Dist.1995). Those factors support the trial court's denial of Eldred's motion to withdraw. Before accepting Eldred's guilty plea, the trial court conducted a detailed Crim.R. 11 colloquy, during which Eldred was represented by competent counsel. The trial court accorded Eldred a hearing on his motion to withdraw, and it gave full and fair consideration to Eldred's motion. Eldred clearly understood the nature of the charge to which he pled. The trial court's decision to overrule Eldred's motion to withdraw his plea was in no manner arbitrary or unconscionable and was not in error. The first assignment of error is overruled.

In his second assignment of error, Eldred argues that the trial court erred in the imposition of sentence. Pursuant to R.C. 2953.08(G)(2), this court may only modify a defendant's sentence if we find that the record does not support the trial court's sentencing findings or if the sentence is otherwise contrary to law. *See State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). We make no such findings in this case. The record indicated that this was Eldred's fourth conviction for failure to provide notice of a change of address. The imposed sentence of 30

months' imprisonment fell within the available sentencing range and was not otherwise contrary to law. The trial court did not err in the imposition of sentence. Eldred's second assignment of error is overruled, and the judgment of the trial court is affirmed.

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.

HENDON, P.J., DINKELACKER and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on May 23, 2014

per order of the court _____.
Presiding Judge