

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

STATE OF OHIO,	:	APPEAL NOS. C-160709
	:	C-160578
Plaintiff-Appellee,	:	C-160566
	:	TRIAL NO. B-1100001
vs.	:	
CHRISTOPHER DANGERFIELD,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these consolidated appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Christopher Dangerfield appeals the Hamilton County Common Pleas Court's judgments overruling his Crim.R. 32.1 motions to withdraw his guilty pleas. We dismiss the appeal in the case numbered C-160578 as duplicative of the appeal in the case numbered C-160566. And in the cases numbered C-160566 and C-160709, we affirm the court's judgments.

Dangerfield was convicted in 2013 upon his guilty plea to aggravated murder. We affirmed his conviction on direct appeal. *See State v. Dangerfield*, 1st Dist. Hamilton Nos. C-130305 and C-130301, 2014-Ohio-1638, *appeals not accepted*, 140 Ohio St.3d 1439, 2014-Ohio-1638, 16 N.E.3d 683.

Dangerfield also challenged his conviction in two Crim.R. 32.1 motions, the first filed in December 2015 and effectively supplemented by a motion filed in April 2016, and the second filed in July 2016. On appeal, he advances a single assignment

of error challenging the overruling of those motions. We overrule the assignment of error.

In his motions, Dangerfield asserted that he is actually innocent of aggravated murder. His guilty plea constituted a complete admission of guilt and removed any issue of factual guilt from his case. *See* Crim.R. 11(B)(1); *State v. Wilson*, 58 Ohio St.2d 52, 388 N.E.2d 745 (1979), paragraph one of the syllabus; *State v. Montenegro*, 1st Dist. Hamilton No. C-010160, 2001 WL 1635608 (Dec. 21, 2001). But his actual-innocence claim may fairly be read to seek relief on the ground that his guilty plea had been the unknowing, unintelligent, and involuntary product of psychotropic drugs, mental illness, mental retardation, and his trial counsel's ineffectiveness in counseling his plea.

Dangerfield's challenge to the knowing, intelligent, and voluntary nature of his guilty plea could not have been raised on direct appeal, because the challenge depended for its resolution upon evidence outside the record of the proceedings leading to his conviction. Therefore, our decision on direct appeal affirming Dangerfield's conviction did not deprive the common pleas court of jurisdiction to entertain his Crim.R. 32.1 motions. *See State ex rel. Special Prosecutors v. Judges*, 55 Ohio St.2d 94, 97-98, 378 N.E.2d 162 (1978); *State v. West*, 1st Dist. Hamilton No. C-150587, 2017-Ohio-5596, ¶ 20.

But we conclude that the common pleas court, in overruling those motions without an evidentiary hearing, did not abuse its discretion. The record of the proceedings at the plea hearing contradicts Dangerfield's self-serving statements in his affidavit that his guilty plea was other than knowing, intelligent, and voluntary. *See State v. Calhoun*, 86 Ohio St.3d 279, 284-285, 714 N.E.2d 905 (1999). And the court cannot be said to have abused its discretion in discounting the credibility of the

affidavits offered in support of his July 2016 motion, when those affidavits contain nearly identical language, the judge reviewing the motions had also presided at Dangerfield's plea and sentencing hearings, and the judge may reasonably have presumed, based on their shared surname, that at least two of the affiants were related to Dangerfield. *See id.*

In the absence of credible evidence demonstrating that the withdrawal of Dangerfield's guilty plea was necessary to correct a manifest injustice, we cannot say that the common pleas court abused its discretion in overruling his Crim.R. 32.1 motions. Accordingly, we affirm the court's judgments.

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.

ZAYAS, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on November 17, 2017
per order of the court _____.
Presiding Judge