

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

STATE OF OHIO,	:	APPEAL NO. C-170196
		TRIAL NO. B-1403408
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
DEON WARREN,	:	
Defendant-Appellant.	:	

We consider this appeal 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, Deon Warren, appeals from the denial of his motion to withdraw his pleas. In 2014, he pled guilty to four counts of trafficking in cocaine, all first-degree felonies, and having weapons while under a disability. In 2017, Warren filed a motion to withdraw his pleas claiming that his counsel was ineffective for advising him to plead guilty to the first-degree trafficking-in-cocaine charges without requiring the state to first prove the actual weight of the cocaine. The trial court denied the motion without a hearing. In his sole assignment of error, Warren argues that the trial court should have allowed him to withdraw his guilty pleas due to the ineffective assistance of counsel.

Unfortunately, Warren has failed, as required by App.R. 9, to ensure that the record on appeal included a transcript of the 2014 plea hearing. When the appellant has

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failed in his duty to ensure that the record on appeal includes a transcript of proceedings necessary to the resolution of the assigned errors, “in a form that meets the specifications of App.R. 9(B)(6),” the reviewing court must presume the regularity of the lower court’s proceedings and affirm the judgment of the court below. *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980). Therefore, we cannot say that the common pleas court abused its discretion in overruling Warren’s motion to withdraw his pleas.

Accordingly, we overrule the assignment of error and affirm the judgment of the trial court.

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

MOCK, P.J., CUNNINGHAM and ZAYAS, JJ.

To the clerk:

Enter upon the journal of the court on February 9, 2018
per order of the court _____.

Presiding Judge