

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

STATE OF OHIO,	:	APPEAL NO. C-160712
		TRIAL NO. B-1303892
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
RAYMOND JOBSON,	:	
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 Raymond Jobson presents on appeal two assignments of error that, distilled to their essence, challenge the Hamilton County Common Pleas Court's judgment overruling his motion to withdraw his guilty plea. We address together, and overrule, the assignments of error. And we affirm the judgment of the common pleas court.

Jobson was convicted in 2014 upon his guilty plea to trafficking in marijuana. He did not appeal that conviction. But in 2014, he challenged his conviction by filing with the common pleas court a Crim.R. 32.1 motion to withdraw his guilty plea. In his motion, Jobson argued that his plea had been the unknowing and unintelligent product of his trial counsel's ineffectiveness in failing to challenge venue and the trial court's subject-matter jurisdiction and in failing to move for dismissal on double jeopardy grounds.

We note that the record on appeal does not include a certified, bound, file-stamped copy of the plea-hearing transcript conforming with the requirements of

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App.R. 9(B). *See State v. Bumu*, 1st Dist. Hamilton No. C-160492, 2017-Ohio-6901, ¶ 12-20. An offender is entitled to a transcript of the proceedings leading to his conviction if he has pending either a direct appeal or a postconviction proceeding. *State ex rel. Partee v. McMahon*, 175 Ohio St. 243, 248, 193 N.E.2d 266 (1963); *State v. Hawkins*, 1st Dist. Hamilton No. C-74425, 1975 WL 181869 (July 7, 1975). But Jobson did not appeal his conviction. Nor did he request a plea-hearing transcript for the common pleas court’s decision on his Crim.R. 32.1 motion.

The common pleas court’s decision overruling Jobson’s motion to withdraw his guilty plea was discretionary. *State v. Smith*, 49 Ohio St.2d 261, 361 N.E.2d 1324 (1977), paragraph two of the syllabus; *State v. Brown*, 1st Dist. Hamilton No. C-010755, 2002-Ohio-5813. And Jobson bore the burden of demonstrating that withdrawing his plea was necessary “to correct manifest injustice.” Crim.R. 32.1; *Smith* at paragraph one of the syllabus. Thus, implicit in the court’s decision overruling Jobson’s motion was its determination that he had failed to sustain that burden. That determination, in the absence of the plea-hearing transcript, cannot be said to have been arbitrary, unconscionable, or the product of an unsound reasoning process. *See State v. Darmond*, 135 Ohio St.3d 343, 2013-Ohio-966, 986 N.E.2d 971, ¶ 34 (defining an “abuse of discretion”). Therefore, the court did not abuse its discretion in overruling the motion.

Accordingly, we affirm the court’s judgment.

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 DETERS, JJ.

To the clerk:

Enter upon the journal of the court on December 27, 2017
per order of the court _____.
Presiding Judge