

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

STATE OF OHIO,	:	APPEAL NO.	C-230468
	:	TRIAL NO.	B-1706486
Plaintiff-Appellee,	:		
vs.	:		
LE-LON CAMPBELL,	:		
	:		<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:		

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In June 2018, defendant-appellant Le-Lon Campbell entered a guilty plea to trafficking in heroin, a fourth-degree felony, in exchange for the State dismissing three other drug charges, two of which were third-degree felonies. The trial court sentenced him to three years of community control. More than four years later, Mr. Campbell moved to withdraw his guilty plea after learning, during his subsequent federal drug-trafficking prosecution, that his 2018 trafficking conviction in state court could be used to support a “career criminal” enhancement under the federal sentencing guidelines. In his attached affidavit in support, Mr. Campbell attested that he did not know he was pleading guilty to trafficking (versus possession) and that he only pleaded guilty to trafficking because his counsel had advised him to do so “with the understanding” that the resulting conviction could not be used to support an

OHIO FIRST DISTRICT COURT OF APPEALS

enhancement under the federal sentencing guidelines. After hearing arguments on the motion, the common pleas court denied Mr. Campbell's motion to withdraw his plea.

He now appeals, asserting four assignments of error, which can reasonably be read together to challenge the denial of his motion. Because Mr. Campbell cannot demonstrate a manifest injustice for which he is entitled to withdraw his plea, we affirm the common pleas court's judgment.

We review the denial of a Crim.R. 32.1 postsentence motion to withdraw a guilty plea for an abuse of discretion. *State v. Stallworth*, 2023-Ohio-3316, ¶ 8 (1st Dist.). Under Crim.R. 32.1, the trial court may grant such a motion only to correct a manifest injustice, a standard which the defendant bears the burden of demonstrating. *State v. Smith*, 49 Ohio St.2d 261 (1977), paragraph one of the syllabus; *State v. Royal*, 2017-Ohio-4146, ¶ 9 (1st Dist.). A postsentence motion to withdraw a plea should only be granted in extraordinary circumstances. *Smith* at 264.

Under these assignments, Mr. Campbell argues that he demonstrated a manifest injustice: his guilty plea was not entered knowingly, intelligently, and voluntarily. In support, Mr. Campbell first contends that he did not understand that he was pleading guilty to trafficking. But the record belies that assertion. The transcript from the Crim.R. 11 colloquy reflects that the trial court had informed Mr. Campbell that the single charge he was pleading guilty to was trafficking in heroin, and Mr. Campbell acknowledged on the record that he understood. To the extent that Mr. Campbell is arguing that the trial court (or trial counsel) should have informed him that a state trafficking conviction may subsequently be used to support a sentencing enhancement under the federal sentencing guidelines, this was not required. *See State v. Harris*, 2007-Ohio-6362, ¶ 21 (6th Dist.) (holding that failure to inform a defendant of the possibility that a plea may be used in a subsequent federal prosecution does not

OHIO FIRST DISTRICT COURT OF APPEALS

render the plea in state court involuntary); *King v. Dutton*, 17 F.3d 151, 153 (6th Cir. 1994) (“[T]he trial court is under no constitutional obligation to inform the defendant of all the possible collateral consequences of the plea.”).

Next, Mr. Campbell argues that his trial counsel’s ineffective assistance regarding the plea proceedings rendered his plea less than knowing, intelligent or voluntary. To demonstrate ineffective assistance of counsel, Mr. Campbell must show that trial counsel’s performance was deficient and that there is a reasonable probability that, but for his counsel’s deficient performance, he would not have pleaded guilty to the offenses at issue. *State v. Jones*, 2019-Ohio-4355, ¶ 16 (8th Dist.), citing *State v. Xie*, 62 Ohio St.3d 521, 524 (1992); see *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Bradley*, 42 Ohio St.3d 136 (1989).

Mr. Campbell states in his appellate brief that his trial counsel specifically told him, after Mr. Campbell had inquired, that a guilty plea to a drug offense in state court could not later be used to support a “career criminal” enhancement under the federal sentencing guidelines. And he maintains that but for that advice, he would not have pleaded guilty. But there is no evidence in the record to support these contentions except for Mr. Campbell’s self-serving affidavit, which notably does not detail any specific conversation he had with his counsel regarding his concerns about the impact a state trafficking conviction may have on possible, future federal drug charges or why this was such an important issue to him when deciding whether to plead guilty; for example, there is nothing in the record about pending federal charges at the time he entered his plea. Generally, a self-serving affidavit or statement is insufficient to demonstrate manifest injustice. *State v. Hutchinson*, 2018-Ohio-200, ¶ 38 (5th Dist.). And it is here. Upon this record, Mr. Campbell cannot demonstrate ineffective assistance.

OHIO FIRST DISTRICT COURT OF APPEALS

In his last argument in support of his appeal, Mr. Campbell argues the common pleas court abused its discretion by denying his motion to withdraw after (1) entertaining comments from the State on Mr. Campbell's not-yet resolved federal prosecution and (2) where the prosecutor representing the State in this matter was also the same prosecutor who had represented the United States in the early stages of Mr. Campbell's federal prosecution. But Mr. Campbell cannot now complain about the State's remarks about his federal case as he is the one who brought to the court's attention his current federal prosecution. Further, the prosecutor's remarks were limited to the status of Mr. Campbell's federal prosecution and the prosecutor's involvement as the attorney representing the United States in the early stages of Mr. Campbell's case. Finally, Mr. Campbell fails to present any legal authority as to why this specific prosecutor could not represent the State in this matter, *see* App.R. 16(A)(7), and we can find none.

Because Mr. Campbell cannot demonstrate a manifest injustice that would entitle him to have his plea withdrawn, we cannot say that the common pleas court abused its discretion by denying Mr. Campbell's Crim.R. 32.1 postsentence motion to withdraw his guilty plea. Accordingly, we overrule his four assignments of error and affirm the common pleas court's judgment.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

BOCK, P.J., ZAYAS and BERGERON, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on 11/6/2024 per order of the court.

By: _____
Administrative Judge