

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

STATE OF OHIO,	:	APPEAL NO. C-250028
	:	TRIAL NO. B-2002362
Plaintiff-Appellee,	:	
vs.	:	
MARLON WISDOM,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

**MOORE, Judge.**

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, 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.

Bringing forth four assignments of error, defendant-appellant Marlon Wisdom appeals the common pleas court's judgment denying his postsentence motion to withdraw his guilty pleas. For the following reasons, we affirm.

In 2020, Wisdom pleaded guilty to trafficking in cocaine and two counts of assault in exchange for the dismissal of one count of trafficking in a fentanyl-related compound, and he agreed to an aggregate prison sentence of 24 months. At the Crim.R. 11(C) colloquy, the prosecutor explained the facts leading to the charges against Wisdom. Wisdom had sold cocaine to a confidential informant and when police officers attempted to execute an arrest warrant for Wisdom, he punched one officer and attempted to tackle another, causing that officer to fall down a flight of stairs. To subdue Wisdom, police officers tased him four times.

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In 2024, Wisdom moved to withdraw his guilty pleas after discovering that he was unable to have his convictions for assault expunged or sealed because they were offenses of violence. At the hearing on his motion, Wisdom argued that his trial counsel was constitutionally ineffective for advising him with respect to his pleas when counsel did not review discovery or evidence with him. Wisdom contended that if his attorney had reviewed discovery with him, including the police report and the officers' body-worn camera footage, he could have shown that he did not intentionally push or hit the officers, and that instead, he was the one who was assaulted. He also argued there was no evidence to show he sold cocaine to a confidential informant. But Wisdom did not submit any evidence to support his arguments, including the police report or the officers' body-worn camera footage, and the common pleas court denied his motion.

In his appeal from that judgment, Wisdom asserts four assignments of error, which can reasonably be read together to challenge the denial of his postsentence motion to withdraw his guilty pleas. We review the denial of a Crim.R. 32.1 motion to withdraw a guilty plea for an abuse of discretion. *State v. Smith*, 49 Ohio St.2d 261 (1977), paragraphs one and two of the syllabus; *State v. Brown*, 2002-Ohio-5813, ¶ 13, 20 (1st Dist.). A trial court may grant a postsentence motion to withdraw a guilty plea “to correct a manifest injustice.” Crim.R. 32.1. But where a motion to withdraw a guilty plea depends on evidence outside the record, a court does not abuse its discretion in denying a Crim.R. 32.1 motion. *State v. Harris*, 2021-Ohio-4074, ¶ 10-12 (affirming trial court’s judgment denying defendant’s Crim.R. 32.1 motion to withdraw his guilty plea where his claims depended upon evidence outside the record and where defendant offered no outside evidence to support the challenges).

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Here, although Wisdom told the common pleas court he had evidence to support his motion to withdraw his guilty pleas, specifically evidence that the police falsified evidence, that the State suppressed material evidence, and that his trial counsel was ineffective for failing to investigate his case, he failed to submit or offer that evidence at the evidentiary hearing. Accordingly, Wisdom failed to demonstrate a manifest injustice that needed to be remedied. Because there was no evidence contained in the record to support Wisdom's challenges, the common pleas court did not abuse its discretion by denying his Crim.R. 32.1 motion to withdraw his guilty pleas. Accordingly, the four assignments of error are overruled.

The judgment of the common pleas court is affirmed.

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.

**CROUSE, P.J.**, and **BOCK, J.**, concur.

**To the clerk:**

**Enter upon the journal of the court on 9/10/2025 per order of the court.**

By:   
Administrative Judge