

[Cite as *State v. Dangerfield*, 2014-Ohio-1638.]

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

STATE OF OHIO,	:	APPEAL NOS. C-130301
		C-130305
Plaintiff-Appellee,	:	TRIAL NO. B-110001
vs.	:	<i>OPINION.</i>
CHRISTOPHER DANGERFIELD,	:	
Defendant-Appellant.	:	

**Criminal Appeals From: Hamilton County Court of Common Pleas**

**Judgment Appealed From Is: Affirmed**

**Date of Judgment Entry on Appeal: April 18, 2014**

*Joseph T. Deters*, Hamilton County Prosecuting Attorney, and *Scott M. Heenan*,  
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

*Bruce K. Hust*, for Defendant-Appellant.

**Please note: this case has been removed from the accelerated calendar.**

**SYLVIA S. HENDON, Judge.**

{¶1} Defendant-appellant Christopher Dangerfield pled guilty to aggravated murder under R.C. 2903.01. The trial court sentenced Dangerfield to life imprisonment, with parole eligibility after 25 years.

{¶2} Dangerfield appeals his conviction. He argues in his sole assignment of error that his trial counsel had been ineffective because counsel had failed to request a presentence investigation report. For a defendant to succeed on a claim of ineffective assistance, he or she must demonstrate that counsel's performance was deficient, and that the defendant was prejudiced by this deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Counsel will only be considered deficient if his or her performance fell below an objective standard of reasonableness. *Id.* at 688. And a defendant is only prejudiced if it is demonstrated that the outcome of the proceedings would have been different but for counsel's performance. *Id.* at 694. As we review the record, this court is highly deferential when judging counsel's actions, and we begin with the presumption that counsel's behavior fell within the range of reasonable professional assistance. *Id.* at 689.

{¶3} With this standard in mind, we conclude that Dangerfield's counsel was not ineffective for failing to request a presentence investigation report. This court generally refrains from second guessing counsel's trial strategy. And in this case, the record is clear that counsel intentionally elected not to request a presentence investigation report. When questioned by the trial court about the report, Dangerfield's counsel responded that "[w]e specifically did not request one."

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Because Dangerfield can do no more than speculate that a presentence investigation report would have been favorable to him, we cannot conclude that Dangerfield was prejudiced by his counsel's failure to request the report. *See State v. Brown*, 4th Dist. Athens No. 09CA3, 2009-Ohio-5390, ¶ 48.

{¶4} Dangerfield has not shown that his trial counsel was ineffective. The assignment of error is overruled, and the judgment of the trial court is affirmed.

Judgment affirmed.

**CUNNINGHAM, P.J., and DEWINE, J., concur.**

Please note:

The court has recorded its own entry on the date of the release of this opinion.