

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 13AP-440
Scott Asafo Adjei,	:	(C.P.C. No. 09CR-1181)
Defendant-Appellant.	:	(REGULAR CALENDAR)

D E C I S I O N

Rendered on July 25, 2013

Ron O'Brien, Prosecuting Attorney, and *Seth L. Gilbert*, for appellee.

Flanagan, Lieberman, Hoffman & Swaim, and *Bahjat Abdallah*, for appellant.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Scott Asafo Adjei is appealing from the refusal of the trial court to allow him to withdraw his guilty plea to charges of burglary and aggravated assault. He assigns a single error for our consideration:

THE TRIAL COURT ERRED IN DENYING APPELLANT'S
MOTION TO WITHDRAW THE GUILTY PLEA.

{¶ 2} At the time he entered his plea, Adjei was clearly confused as to his citizenship status. He initially told the trial court that he was a United States citizen. His lawyer then clarified that Adjei was actually a permanent resident with a green card and a social security number. The trial court judge did not read the admonishment required by R.C. 2943.031 until after the plea had been accepted and the agreed sentence of community control imposed.

{¶ 3} Years later, it became apparent that deportation proceedings were being conducted and Adjei was in danger of being deported. Then Adjei, with the assistance of counsel, filed his motion to withdraw his guilty plea.

{¶ 4} The trial court judge assigned to the case did not grant the motion for at least two reasons. First, Adjei had asserted in open court that he was a United States citizen. Second, the guilty plea form Adjei signed included the statement:

I understand that, if I am not a citizen of the United States, my conviction of the offenses to which I am pleading guilty may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

{¶ 5} The issue of Adjei's citizenship, and therefore the applicability of this admonishment, was clarified before the guilty plea was accepted and Adjei continued to assert that he was voluntarily entering his guilty plea.

{¶ 6} Further, after the bulk of the proceedings were concluded and the agreed community control ordered, the trial court read the admonishment. Adjei did not then express any reservation about his guilty pleas, his conviction or his sentence.

{¶ 7} Under this set of facts, we find the trial court substantially complied and did not err in refusing to set aside the guilty plea.

{¶ 8} The sole assignment of error is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

BROWN and CONNOR, JJ., concur.
