

[Cite as *State v. Green*, 2005-Ohio-125.]

IN THE COURT OF APPEALS FOR GREENE COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff-Appellee	:	C.A. CASE NO. 2004 CA 21
v.	:	T.C. CASE NO. 03-CR-347
JAMES E. GREEN, JR.	:	(Criminal Appeal from
Defendant-Appellant	:	Common Pleas Court)
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**OPINION**

Rendered on the 14<sup>th</sup> day of January, 2005.

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ADOLFO A. TORNICHIO, Atty. Reg. No. 0070490, Assistant Prosecutor, 61 Greene St., Xenia, Ohio 45385  
Attorney for Plaintiff-Appellee

L. PATRICK MULLIGAN, Atty. Reg. No. 0016118 and GEORGE A. KATCHMER, Atty. Reg. No. 0005031, Mulligan Building, 28 N. Wilkinson Street, P. O. Box 248, Dayton, Ohio 45402  
Attorneys for Defendant-Appellant

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FREDERICK N. YOUNG, J.

{¶ 1} James E. Green, Jr. is appealing from the decision of the court sentencing him to three years of community control following his plea of guilty to an amended charge of attempted felonious assault and to a charge of domestic violence. Other

counts for which he had been indicted, felonious assault, aggravated assault, and endangering children were dismissed by the State.

{¶ 2} On appeal, Mr. Green, through his counsel, argues only that his guilty plea should have been vacated following his motion to obtain same because he received ineffective assistance of counsel. He has also advised us that he is currently pursuing post conviction remedies because “much of appellant’s arguments concerning this plea occurred dehors the record.” Brief, 1.

{¶ 3} Obviously, in this current appeal of his, we are confined to the record, which we have examined in detail. We note that the trial court conducted Mr. Green’s plea hearing, on October 14, 2003, with a comprehensiveness that could serve as a model for all trial courts in their plea hearings. Mr. Green was fully advised of his rights and what he was waiving and of the possible sentence he could receive. From the record, he obviously understood everything and assented to same. Mr. Green’s knowing and voluntary nature of his plea was conclusively demonstrated during his sentencing hearing, held February 27, 2004, as follows:

{¶ 4} “THE COURT: Mr. Green, you have an opportunity at this time to address the Court. Is there anything that you would like to tell me, sir?

{¶ 5} “A. Yes, Your Honor.

{¶ 6} “THE COURT: Go ahead.

{¶ 7} “A. Just I’m sorry for everything that happened. And it’s just - - I don’t even have the words really to explain. I mean, I’m deeply sorry my wife was injured and I promise you’ll never see me in here again. Just try to get on with my life after this.

{¶ 8} “THE COURT: Anything else, sir?

{¶ 9} “A. No, Your Honor.” Tr. 3.

{¶ 10} It is apparent from the record that Mr. Green's trial counsel obtained a very favorable result for him, both in negotiating his plea bargain and in obtaining a community control sentence rather than incarceration, which he was clearly advised he could receive. We find nothing in the record that demonstrates any ineffectiveness of assistance of counsel.

{¶ 11} The assignment of error is overruled and the judgment will be affirmed.

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BROGAN, P.J. and GRADY, J., concur.

Copies mailed to:

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Hon. Timothy J. Campbell