

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-15-1155

Appellee

Trial Court No. CR0201202162

v.

Emmanuel A. Wright

DECISION AND JUDGMENT

Appellant

Decided: March 4, 2016

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Evy M. Jarrett, Assistant Prosecuting Attorney, for appellee.

Emmanuel A. Wright, pro se.

* * * * *

SINGER, J.

{¶ 1} Appellant, Emmanuel Wright, appeals from a decision of the Lucas County Court of Common Pleas granting his “motion for findings of fact and conclusions of law.” His assignments of error, however, address issues that have already been reviewed in previous appeals to this court.

I. The trial court erred [sic] in violation of appellanys [sic] right to due process by dismissing his petition for post conviction relief without a hearing.

II. Appellant received ineffective assistance of trial counsel and appellant counsel in violation of his rights under the sixth and fourteenth amendments to the United States Constitution and article 10 of the constitution of the State of Ohio.

{¶ 2} The relevant, lengthy procedural history was detailed in this court’s March 31, 2015 decision in *State v. Wright*, 6th Dist.Lucas No. L-14-1265, 2015-Ohio-1268 and, this court’s October 24, 2014 decision in *State v. Wright*, 6th Dist.Lucas Nos. L-14-1041, L-14-1044, L-14-1042 and L-14-1043. The origin of this case is appellant’s convictions for burglary, attempted theft and passing bad checks.

{¶ 3} On October 4, 2013, appellant filed a “petition to vacate of set aside judgment of conviction” with the trial court which was denied. Appellant then filed a “motion for findings of fact and conclusions of law” seeking an explanation for the court’s denial of his motion to vacate. On May 7, 2015, the trial court issued findings of fact and conclusions of law addressing appellant’s contention that his counsel was ineffective in failing to diligently investigate various facts of his case. Specifically, appellant pointed to documentation he claims exonerated him and contended that counsel ignored the exculpatory evidence. The trial court disagreed finding the evidence to be “highly dubious” and moreover, “potentially harmful.”

{¶ 4} Appellant set forth this same argument regarding his counsel in *State v. Wright*, 6th Dist. Lucas No. L-14-1265, 2015-Ohio-1268. We too rejected appellant's contention that the documentation would exonerate him.

Appellant has failed to explain who these affidavits would be from or what crucial information these affidavits may contain. Accordingly, appellant has not shown that the outcome of his case would have been different had counsel included affidavits. *Id* at.¶ 16.

{¶ 5} Having already addressed this issue as well as the issues raised in appellant's assignments of error and, reaching the same conclusion as the trial court with regard to appellant's ineffective assistance of counsel claim, we find this appeal to be without merit. Appellant's assignments of error are not well-taken.

{¶ 6} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. Appellant is ordered to pay the court costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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