

[Cite as *State v. Freeman*, 2015-Ohio-1306.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
Nos. 101719, 101720 and 101721

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

JACQUELINE M. FREEMAN

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case Nos. CR-14-583906-B, CR-14-583713-A and CR-13-578184-A

BEFORE: Keough, P.J., Blackmon, J., and Laster Mays, J.

RELEASED AND JOURNALIZED: April 2, 2015

ATTORNEY FOR APPELLANT

Thomas G. Haren
26600 Detroit Road, Suite 300
Westlake, Ohio 44145

ATTORNEYS FOR APPELLEE

Timothy J. McGinty
Cuyahoga County Prosecutor
By: Edward D. Brydle
Assistant Prosecuting Attorney
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

KATHLEEN ANN KEOUGH, P.J.:

{¶1} In this consolidated appeal, defendant-appellant, Jacqueline Freeman, appeals her convictions. Finding no merit to the appeal, we affirm.

{¶2} In September 2013, Freeman was indicted in Case No. CR-13-578184 for breaking and entering, theft, and possession of criminal tools. In April 2014, she was indicted in Case No. CR-14-583713 for theft and receiving stolen property. Another indictment was issued against Freeman in Case No. CR-14-583906 in June 2014 for two counts each of aggravated robbery and felonious assault.

{¶3} Freeman entered into a plea agreement with the state on all three cases. In CR-13-578184, she pleaded guilty to attempted breaking and entering, and theft. In CR-14-583713, she pleaded guilty to theft. In CR-14-583906, she pleaded guilty to robbery and felonious assault. After merging all relevant allied offenses, the trial court imposed a total prison sentence of six years.

{¶4} Freeman now appeals, raising two assignments of error, which will be addressed together.

{¶5} In her first assignment of error, Freeman contends that the “trial court erred when it neglected to inquire regarding the grounds upon which [she] sought to appeal her sentence, abdicating its inherent responsibility to protect and safeguard the constitutional rights of criminal defendants by depriving [her] of a meaningful opportunity to preserve the factual record for appellate review.”

{¶6} In her second assignment of error, Freeman contends that “the trial court erred by accepting a plea and imposing a sentence when [she] was denied the effective assistance of counsel by defense counsel’s failure to make a meaningful factual record regarding the grounds upon which [she] sought to appeal her conviction.”

{¶7} Freeman asserts on appeal that both trial counsel and the trial court are required to inquire why a defendant wishes to appeal to properly preserve the appellate record. Contrary to Freeman’s assertion, the trial court at sentencing has no duty to ascertain the basis or grounds upon which a defendant seeks to appeal. The trial court is only required to advise a defendant of her appellate rights pursuant to Crim.R. 32(B). Additionally, trial counsel has no duty to state the basis or grounds upon which a defendant seeks to appeal.

{¶8} In this case and as acknowledged by Freeman, the trial court properly advised Freeman of her right to appeal, including all requisite notifications pursuant to Crim.R. 32(B). Freeman then stated she understood her appellate rights and expressed her desire to appeal. The trial court then appointed appellate counsel; thus, fully complying with Crim.R. 32(B). Nothing further is required when advising a defendant of her appellate rights.

{¶9} Accordingly, the court did not err in its imposition of sentence, and trial counsel was not deficient in failing to preserve the appellate record. Freeman’s assignments of error are overruled.

{¶10} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant's convictions having been affirmed, any bail pending appeal is terminated. Cases remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

KATHLEEN ANN KEOUGH, PRESIDING JUDGE _____

PATRICIA ANN BLACKMON, J., and
ANITA LASTER MAYS, J., CONCUR