

IN THE COURT OF APPEALS FOR GREENE COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 2008 CA 39
	:	
v.	:	T.C. NO. 2007 CR 0809
	:	
CESAR VALENTINE LOPEZ-RUIZ	:	(Criminal appeal from
	:	Common Pleas Court)
Defendants-Appellant	:	
	:	

OPINION

Rendered on the 29th day of May, 2009.

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WOLFF, J. (by assignment)

{¶ 1} Cesar Valentine Lopez-Ruiz appeals from a judgment imposing, *inter alia*, an aggregate sentence of twenty years following his pleas of guilty to three first degree and three second degree felonies, all of which arose out of illegal narcotics activity.

{¶ 2} Lopez-Ruiz advances three interrelated assignments of error on appeal:

ASSIGNMENTS OF ERROR

- I. THE TRIAL COURT ERRED WHEN IT FAILED TO APPOINT AN INTERPRETER TO TRANSLATE THE PROCEEDINGS FOR LOPEZ-RUIZ. CONSEQUENTLY, HIS GUILTY PLEA WAS NOT ENTERED KNOWINGLY, INTELLIGENTLY, OR VOLUNTARY BECAUSE HE LACKED THE ABILITY TO UNDERSTAND THE IMPLICATIONS OF ENTERING A GUILTY PLEA WITHOUT THE ASSISTANCE OF AN INTERPRETER.
- II. THE TRIAL COURT ERRED WHEN IT DID NOT PROPERLY INFORM APPELLANT THAT THERE MAY BE ADVERSE CONSEQUENCES ACCOMPANYING HIS GUILTY PLEA IN LIGHT OF THE FACT THAT HE IS A NON U.S. CITIZEN.
- III. APPELLANT WAS PREJUDICED BY THE INEFFECTIVE ASSISTANCE OF HIS TRIAL COUNSEL WHEN COUNSEL DID NOT REQUEST AN INTERPRETER.

{¶ 3} There is nothing in the record before us to suggest that Lopez-Ruiz needed an interpreter to understand the proceedings wherein he entered his guilty pleas. At the beginning of those proceedings, Lopez-Ruiz acknowledged that he was twenty years old, had seven years of education and was able to read and understand English. Although he is not a U.S. citizen, the indictment indicates that Lopez-Ruiz had been in Greene County for at least 7 ½ months, during which time - according to the prosecutor - he played a central role in a drug trafficking

enterprise which distributed large quantities of heroin and cocaine. The record does not disclose how much longer Lopez-Ruiz may have been in an English speaking environment

{¶ 4} The guilty pleas took place after plea negotiations wherein Lopez-Ruiz was represented by experienced defense counsel, so presumably Lopez-Ruiz was informed what would occur at the plea proceeding by his counsel. Indeed, in a handwritten affidavit in support of a motion to withdraw his guilty pleas, executed three days after sentencing, Lopez-Ruiz did not state that he didn't understand the plea proceedings. Rather, he said he thought the State would request a 10 or 12-year sentence because he was unaware that the State - at sentencing - would portray him as a ringleader of the enterprise. Lopez-Ruiz's role in the enterprise was not discussed at the plea proceedings. The motion to withdraw pleas of guilty is not before us on appeal and our record does not disclose any ruling on it.

{¶ 5} Lopez-Ruiz manifested no hesitancy during the plea proceedings in responding to the Court's questions. Although Lopez-Ruiz did enter his pleas along with two other defendants charged with unrelated crimes, it would be entirely speculative for us to conclude that he could not enter proper pleas under these circumstances. In short, on this record, it would be entirely speculative for us to conclude that Lopez-Ruiz did not enter knowing, intelligent, voluntary pleas.

{¶ 6} The first assignment is overruled.

{¶ 7} Despite the wording of the second assignment, Lopez-Ruiz does not contend that the trial court failed to comply with R.C. 2943.031(A). Rather, he again claims that the trial court should have employed an interpreter to assure his understanding. We reject this contention for the reasons stated above and overrule the second assignment.

{¶ 8} We likewise overrule the third assignment because there is nothing of record to persuade us that Lopez-Ruiz needed an interpreter to understand the plea proceedings and to make knowing, intelligent, voluntary pleas of guilty.

{¶ 9} The judgment will be affirmed.

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DONOVAN, P.J. and BROGAN, J., concur.

(Hon. William H. Wolff, Jr., retired from the Second District Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Ohio).

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