[Cite as *State v. Lamb*, 2026-Ohio-4365.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

STATE OF OHIO Appellee v. ERIC LAMB Appellant	C.A. Nos. 31582 31583 31584 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE Nos. CR-2022-06-2234 CR-2022-11-4058 CR-2022-11-3955

DECISION AND JOURNAL ENTRY

Dated: November 4, 2026

HENSAL, Presiding Judge.

{¶1} Appellant, Eric Lamb, appeals the judgment of the Summit County Court of Common Pleas. This Court affirms.

I.

{¶2} This matter arises out of the trial court's denial of Mr. Lamb's motion to withdraw his guilty pleas in three separate criminal cases. After being charged with a series of offenses under three separate indictments, Mr. Lamb entered into a plea agreement with the State where he pleaded guilty to four felonies, including one count of aggravated possession of drugs.

{¶3} When the parties appeared for sentencing, Mr. Lamb expressed a desire to withdraw his pleas. Mr. Lamb obtained new counsel and filed a written motion to withdraw his guilty pleas. The State filed a brief in opposition to the motion, and Mr. Lamb replied thereto. The trial court

set the matter for a hearing. After the hearing, the trial court issued a journal entry denying Mr. Lamb's motion to withdraw his guilty pleas. The matter proceeded to sentencing where the trial court imposed upon Mr. Lamb a total prison sentence of not less than two years and not more than three years.[1]

{¶4} Mr. Lamb filed a timely notice of appeal. Now before this Court, Mr. Lamb raises one assignment of error.

II.

ASSIGNMENT OF ERROR

> THE TRIAL COURT ABUSED ITS DISCRETION BY DENYING THE DEFENDANT THE OPPORTUNITY [TO] WITHDRAW HIS PLEA PRIOR TO SENTENCING.

{¶5} In his sole assignment of error, Mr. Lamb contends that the trial court abused its discretion by denying his motion to withdraw his pleas. This Court disagrees.

Background

{¶6} After reaching a plea agreement with the State, Mr. Lamb appeared with counsel and pleaded guilty to aggravated possession of drugs and receiving stolen property in Case No. CR-2022-06-2234, theft in Case No. CR-2022-11-3955, and receiving stolen property in Case No. CR-2022-11-4058. Pursuant to the plea agreement, the State moved to dismiss the remaining counts in the indictments and recommended a total sentence of two to three years incarceration. The trial court accepted the pleas and set the matter for sentencing the following month.

{¶7} When the parties appeared for sentencing, Mr. Lamb expressed a desire to withdraw his pleas. The trial court permitted defense counsel to withdraw from representing Mr. Lamb. The

[1] The trial court ordered the sentences in Case No. CR-2022-06-2234, Case No. CR 2022-11-3955, and Case No. CR 2022-11-4058 to be served concurrently.

trial court initially appointed a different defense attorney to represent Mr. Lamb, but no written motion was filed at that time.

{¶8} Thereafter, Mr. Lamb retained new counsel and filed a written motion to withdraw his pleas. In his written motion, Mr. Lamb did not address the basis for withdrawing his pleas, although he did simultaneously move the trial court to dismiss the charges against him on statutory speedy trial grounds. Mr. Lamb attached several transcripts to his motion, including the transcript from the plea hearing as well as several status conferences. The State filed a brief in opposition to the motion, arguing that Mr. Lamb had failed to provide a reasonable and legitimate basis to withdraw his plea. In reply, Mr. Lamb focused on his contention that he had a viable speedy trial claim but he was not fully aware of his rights due to communication issues with his attorney.

{¶9} The trial court held a hearing on the matter. At the outset of the hearing, Mr. Lamb directed the trial court's attention to the transcripts that he had filed in support of his motion. Stressing that pre-sentence motions to withdraw should be liberally granted, Mr. Lamb argued that the transcripts showed that Mr. Lamb and original defense counsel did not communicate effectively. With respect to the plea colloquy, Mr. Lamb suggested that the transcript demonstrated that he failed to understand the concept of mandatory prison time and that, consequently, original defense counsel expressed concerns regarding whether Mr. Lamb could enter a knowing, intelligent, and voluntary plea. Mr. Lamb further argued that withdrawing his plea would allow him to fully litigate his speedy trial claim. In response, the State emphasized that the trial court engaged in a discussion with Mr. Lamb at the plea hearing to ensure that he understood the concept of mandatory prison time. The State further noted that Mr. Lamb affirmatively expressed his desire to plead guilty after the trial court granted him additional time to discuss the case with his lawyer.

{¶10} After taking the matter under advisement, the trial court issued a journal entry denying the motion to dismiss. The trial court found that it called a recess at the plea hearing to allow Mr. Lamb to address his concerns and, after the recess, "Mr. Lamb informed the court that he had an adequate time to talk with his counsel and his counsel had answered all of his questions[.]" Mr. Lamb further informed the trial court that he was satisfied with counsel. The trial court also found it significant that Mr. Lamb was not claiming innocence or challenging the sufficiency of the evidence against him, and that Mr. Lamb had not offered "a cohesive argument" as to why he should be permitted to withdraw his plea. The trial court ultimately concluded that Mr. Lamb "ha[d] not established anything beyond a change of heart, which is not a legitimate basis to withdraw his plea."[2]

Discussion

{¶11} In support of his assignment of error, Mr. Lamb argues that the trial court erred when it failed to freely allow him to withdraw his guilty pleas prior to sentencing. Mr. Lamb asserts that the record shows a breakdown in his relationship with original trial counsel and, further, that Mr. Lamb expressed reservations on the record prior to entering his guilty pleas.

{¶12} Criminal Rule 32.1 states that "[a] motion to withdraw a plea of guilty or no contest may be made only before sentence is imposed; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his or her plea."

{¶13} The Ohio Supreme Court has stated that a "defendant does not have an absolute right to withdraw a guilty plea prior to sentencing." *State v. Xie*, 62 Ohio St.3d 521 (1992),

[2] The trial court also noted in its journal entry that Mr. Lamb had failed to develop a plausible argument in support of his contention that his speedy trial rights had been violated.

paragraph one of the syllabus. Rather, "[t]he defendant bears the burden of demonstrating that he has a 'reasonable and legitimate basis for withdrawing [his] plea.'" (Alteration sic.) *State v. Benson*, 2017-Ohio-8150, ¶ 8 (9th Dist.), quoting *State v. Baker*, 2016-Ohio-8026, ¶ 7 (9th Dist.). Although "a presentence motion to withdraw a guilty plea should be freely and liberally granted[,]" the trial court's ruling on a pre-sentence motion to withdraw a plea is reviewed for an abuse of discretion. *Xie* at 527. An abuse of discretion implies that the trial court's attitude was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

> "This Court has held that a trial court does not abuse its discretion when considering a motion to withdraw a guilty plea if the following elements are present: (1) the defendant is represented by competent counsel; (2) the trial court provides the defendant with a full hearing before entering the guilty plea; and (3) the trial court provides the defendant with a full hearing on the motion to withdraw the guilty plea, where the court considers the defendant's arguments in support of his motion to withdraw the guilty plea."

State v. Robinson, 2019-Ohio-1740, ¶ 6 (9th Dist.), quoting *State v. Pamer*, 2004-Ohio-7190, ¶ 10 (9th Dist.).

{¶14} Under the circumstances here, Mr. Lamb has not demonstrated that the trial court abused its discretion in denying his motion to withdraw his guilty pleas. Mr. Lamb was represented by counsel throughout the proceedings below and he received a full hearing both at the time he entered his pleas and upon filing his motion to withdraw his pleas. *See Robinson* at ¶ 6. At the hearing on the motion to withdraw his pleas, Mr. Lamb indicated that his motion was predicated on communication issues with the attorney who represented him at the time of the plea hearing. A review of the transcript from the plea hearing shows that the trial court took a deliberate approach to working through any concerns held by Mr. Lamb. With respect to Mr. Lamb's understanding of the concept of mandatory prison time, the trial court engaged in a dialogue with Mr. Lamb

where Mr. Lamb ultimately acknowledged that he grasped the concept of mandatory prison time and, further, that he understood that community control was not an option in his case. Moreover, after the trial court called a recess to allow Mr. Lamb to speak with his attorney, Mr. Lamb expressed his desire to "[p]lead guilty" and stated that he was satisfied with his representation. As Mr. Lamb has not set forth a reasonable and legitimate basis for withdrawing his pleas, we cannot say that the trial court's denial of Mr. Lamb's motion was unreasonable, arbitrary, or unconscionable. *Blakemore*, 5 Ohio St.3d at 219.

{¶15} Mr. Lamb's assignment of error is overruled.

III.

{¶16} Mr. Lamb's assignment of error is overruled. The judgment of the Summit County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

JENNIFER HENSAL
FOR THE COURT

SUTTON, J.
FLAGG LANZINGER, J.
CONCUR.

APPEARANCES:

WESLEY A. JOHNSTON, Attorney at Law, for Appellant.

ELLIOT KOLKOVICH, Prosecuting Attorney, and AMANDA R. FILIPPI, Assistant Prosecuting Attorney, for Appellee.