

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	Nos. 10AP-256
Plaintiff-Appellee,	:	(C.P.C. No. 07CR-7636)
	:	10AP-257
v.	:	(C.P.C. No. 08CR-6853)
	:	10AP-258
Darrick Bangs,	:	(C.P.C. No. 08CR-8856)
	:	and 10AP-259
Defendant-Appellant.	:	(C.P.C. No. 09CR-2209)
	:	(REGULAR CALENDAR)

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D E C I S I O N

Rendered on September 28, 2010

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*Ron O'Brien*, Prosecuting Attorney, and *Sarah W. Creedon*,  
for appellee.

*Darrick Bangs*, pro se.

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APPEALS from the Franklin County Court of Common Pleas

TYACK, P.J.

{¶1} Darrick Bangs is appealing from the failure of the trial court to grant him relief from judgment and sentence given to him as a result of a plea bargain he entered into in July 2009. He assigns a single error for our consideration:

APPELLANT WAS DENIED HIS SIXTH AMENDMENT  
RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL  
WHEN COUNSEL LIED TO APPELLANT AND THE TRIAL

COURT VIOLATED HIS FOURTEENTH AMENDMENT RIGHTS WHEN IT REFUSED TO ALLOW APPELLANT TO WITHDRAW HIS GUILTY PLEA BASED ON COUNSEL'S INSUFFICIENT PERFORMANCE.

{¶2} Bangs was indicted under four different case numbers with a total of 21 different felony charges. In July 2009, he entered guilty pleas to six of the charges and received a sentence of 18 years of incarceration, which was jointly recommended by the prosecutor and the defense.

{¶3} In November 2009, Bangs filed a motion seeking to set aside his guilty pleas. In December 2009, he filed a petition for post-conviction relief. The trial court overruled the motion and denied relief on the petition. The appeal of the denial of the petition for post-conviction relief is presently before this panel of the court.

{¶4} The trial court judge assigned to Bangs' cases accurately stated Ohio law when he wrote:

Under Ohio law, claims of ineffective assistance of counsel are matters for direct appeal unless there are issues dehors the record that qualify for petitions for post-conviction relief. *State v. Emrick*, 5th Dist. App. No. CT2005-0018, 2006 Ohio 823. While defendant provides substantial case law outlining his right to effective assistance of counsel, defendant cites to no evidence in the record nor does he provide any evidence dehors the record of ineffective assistance of counsel. There is no evidence before the Court that defendant is entitled to post-conviction relief based upon ineffective assistance of counsel.

{¶5} The fact a criminal defendant becomes unhappy with his counsel or is unhappy with the results of his cases does not mean that the defendant received ineffective assistance of counsel. Bangs has offered no proof his counsel rendered

ineffective assistance, especially the proof required by *Strickland v. Washington* (1984), 466 U.S. 668, 104 S.Ct. 2052.

{¶6} The assignment of error is overruled. The judgments of the Franklin County Court of Common Pleas are affirmed.

*Judgments affirmed.*

BROWN and SADLER, JJ., concur.

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