

**No. 20-3132**

**FILED**  
Nov 23, 2020  
DEBORAH S. HUNT, Clerk

ON APPEAL FROM THE  
UNITED STATES DISTRICT  
COURT FOR THE  
SOUTHERN DISTRICT OF  
OHIO

However, this court has “adopted a general rule that a defendant may not raise ineffective assistance of counsel claims for the first time on direct appeal.” *United States v. Ferguson*, 669 F.3d 756, 762 (6th Cir. 2012) (citation, internal quotation marks, and alterations omitted). This is because “[w]hen an ineffective-assistance claim is brought on direct appeal, appellate counsel and

the court must proceed on a trial record not developed precisely for the object of litigating or preserving the claim and thus often incomplete or inadequate for this purpose.” *Massaro v. United States*, 538 U.S. 500, 504-05 (2003). Accordingly, the “preferable route for raising an ineffective assistance of counsel claim is in a post-conviction proceeding under 28 U.S.C. § 2255, whereby the parties can develop an adequate record.” *United States v. Sullivan*, 431 F.3d 976, 986 (6th Cir. 2005) (internal citation and quotation marks omitted).

“This case does not present one of the rare instances in which a defendant can establish ineffective assistance of counsel based on the record on direct appeal.” *United States v. Yisrael*, 355 F. App’x 933, 934 (6th Cir. 2009). As the record presently stands, Oppong has no evidentiary support for his claims regarding his counsel’s pre-plea performance. Accordingly, we decline to review defendant’s undeveloped ineffective assistance claims and affirm the judgment of the district court.