

[Cite as *State v. Dangerfield*, 2014-Ohio-1638.]

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-130301
		C-130305
Plaintiff-Appellee,	:	TRIAL NO. B-110001
vs.	:	<i>OPINION.</i>
CHRISTOPHER DANGERFIELD,	:	
Defendant-Appellant.	:	

Criminal Appeals From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: April 18, 2014

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Scott M. Heenan*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Bruce K. Hust, for Defendant-Appellant.

Please note: this case has been removed from the accelerated calendar.

SYLVIA S. HENDON, Judge.

{¶1} Defendant-appellant Christopher Dangerfield pled guilty to aggravated murder under R.C. 2903.01. The trial court sentenced Dangerfield to life imprisonment, with parole eligibility after 25 years.

{¶2} Dangerfield appeals his conviction. He argues in his sole assignment of error that his trial counsel had been ineffective because counsel had failed to request a presentence investigation report. For a defendant to succeed on a claim of ineffective assistance, he or she must demonstrate that counsel's performance was deficient, and that the defendant was prejudiced by this deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Counsel will only be considered deficient if his or her performance fell below an objective standard of reasonableness. *Id.* at 688. And a defendant is only prejudiced if it is demonstrated that the outcome of the proceedings would have been different but for counsel's performance. *Id.* at 694. As we review the record, this court is highly deferential when judging counsel's actions, and we begin with the presumption that counsel's behavior fell within the range of reasonable professional assistance. *Id.* at 689.

{¶3} With this standard in mind, we conclude that Dangerfield's counsel was not ineffective for failing to request a presentence investigation report. This court generally refrains from second guessing counsel's trial strategy. And in this case, the record is clear that counsel intentionally elected not to request a presentence investigation report. When questioned by the trial court about the report, Dangerfield's counsel responded that "[w]e specifically did not request one."

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Because Dangerfield can do no more than speculate that a presentence investigation report would have been favorable to him, we cannot conclude that Dangerfield was prejudiced by his counsel's failure to request the report. *See State v. Brown*, 4th Dist. Athens No. 09CA3, 2009-Ohio-5390, ¶ 48.

{¶4} Dangerfield has not shown that his trial counsel was ineffective. The assignment of error is overruled, and the judgment of the trial court is affirmed.

Judgment affirmed.

CUNNINGHAM, P.J., and DEWINE, J., concur.

Please note:

The court has recorded its own entry on the date of the release of this opinion.