

[Cite as *State v. Langford*, 2010-Ohio-6539.]

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
v.	:	No. 10AP-519 (C.P.C. No. 08CR05-4284)
William L. Langford,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on December 30, 2010

Ron O'Brien, Prosecuting Attorney, and *Kimberly M. Bond*,
for appellee.

William L. Langford, pro se.

APPEAL from the Franklin County Court of Common Pleas.

SADLER, J.

{¶1} Defendant-appellant, William L. Langford ("appellant"), appeals from a judgment rendered by the Franklin County Court of Common Pleas, which denied appellant's February 19, 2010 motion to invalidate his plea as unconstitutional. For the reasons below, we affirm.

{¶2} Appellant was indicted on two first-degree felony counts of aggravated robbery, two second-degree felony counts of robbery, two third-degree felony counts of robbery, and one first-degree felony count of kidnapping. Each count contained a three-year gun specification. On November 28, 2008, appellant pleaded guilty to one count of aggravated robbery and the accompanying gun specification, and one count of robbery and its accompanying gun specification. The trial court imposed the jointly recommended sentence of 11 years.

{¶3} Appellant's motion to invalidate his plea as unconstitutional was treated by both plaintiff-appellee, state of Ohio, and the trial court as a motion to withdraw his guilty plea. The motion was denied.

{¶4} Appellant asserts one assignment of error as follows:

Appellant's plea was not knowing, intelligent, and voluntary because he did not understand that the trial court was free to disregard the recommendation of appellant's attorney, who told appellant that he would receive a different sentence.

{¶5} Appellant argues that his guilty plea was not knowingly, voluntarily, and intelligently entered. On appeal, appellant specifically claims his plea was not knowingly entered because he had been led to believe by his trial counsel that he would receive a five-year prison sentence on his plea of guilty. Appellant's motion filed in the trial court, however, did not assert this basis for invalidating his plea, but rather asserted that the trial court failed to advise appellant fully of his constitutional rights prior to accepting his plea of guilty.

{¶6} The record contains a plea form which carries appellant's signature and which contains the following language:

I understand that my guilty plea(s) to the crime(s) specified constitute(s) both an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime(s) and this case. I further understand that by pleading "Guilty", I waive a number of important and substantial constitutional, statutory and procedural rights, which include but are not limited to, the right to have a trial by jury, the right to confront witnesses against me, to have compulsory subpoena process for obtaining witnesses in my favor, to require the State to prove my guilt beyond a reasonable doubt on each crime herein charged at a trial at which I cannot be compelled to testify against myself, and to appeal the verdict and rulings of the trial Court made before or during trial, should those rulings or the verdict be against my interests.

* * *

I understand that the prosecution and defense jointly recommended to the Court sentence(s) of R.C. 2953.08(D) 3 years on count 1 with additional 3 years on the gun spec[ification] and 2 years on count 5 with additional 3 years on the gun spec[ification] to run consecutively for a total of 11 years in the ODRC.

{¶7} Appellant has failed to file a transcript of either the plea or sentencing proceedings for our review. As a result, we are unable to review whether appellant's plea was entered knowingly, voluntarily, and intelligently. When a transcript is not made available for review under such circumstances, an appellate court must presume the regularity of the proceedings below "including that the trial court made certain appellant understood the nature and consequences of the plea and that the plea was voluntary." *State v. Angus*, 10th Dist. No. 09AP-1129, 2010-Ohio-3290, ¶11.

{¶8} Accordingly, we overrule appellant's single assignment of error and affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

KLATT and CONNOR, JJ., concur.
