

**COURT OF APPEALS
THIRD APPELLATE DISTRICT
ALLEN COUNTY**

STATE OF OHIO

PLAINTIFF-APPELLEE

CASE NUMBER 1-2000-17

v.

ERIC HENDRICKS

OPINION

DEFENDANT-APPELLANT

CHARACTER OF PROCEEDINGS: Criminal Appeal from Common Pleas Court.

JUDGMENT: Judgment affirmed.

DATE OF JUDGMENT ENTRY: September 1, 2000

ATTORNEYS:

**ERIC HENDRICKS
In Propria Persona
Inmate #287-056
P.O. Box 1812
Marion, OH 43301
Appellant.**

**DAVID E. BOWERS
Prosecuting Attorney
204 North Main Street
Lima, OH 45801
For Appellee.**

BRYANT, J. Defendant-appellant Eric Hendricks brings this appeal from the judgment of the Court of Common Pleas of Allen County overruling his motion to withdraw his guilty plea.

On January 12, 1995, Hendricks was indicted on one count of escape and one count of kidnapping. Pursuant to a plea agreement, Hendricks entered a plea of guilty on February 9, 1995, to one count of abduction. Hendricks was sentenced to four to ten years to be served concurrently with another sentence he had received from a Marion County case. On March 1, 2000, Hendricks filed a motion to withdraw his guilty plea. The trial court overruled his motion.

Hendricks makes the following assignment of error:

The trial court erred in overruling [Hendricks'] motion to withdraw his guilty plea.

Criminal rule 32.1 controls the time period for withdrawing a guilty plea.

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.

Crim.R. 32.1. Here, Hendricks claims that the indictment was not proper, thus concluding that his plea is not valid. The basis for this argument is that the words “A True Bill” were printed on the indictment form for the foreman to sign.

Hendricks claims that this does not comply with the law of the state of Ohio. This same argument was made by Hendricks and addressed by this court in *State v.*

Hendricks (Aug. 15, 2000), Marion App. No. 9-2000-35 and 9-2000-39, unreported. In those cases, *Hendricks* raised the same objections. We overruled *Hendricks*' assignments of error on the grounds that the objections were not raised in a timely manner. Absent these objections, the standard of review is plain error. *Id.* "Plain error does not exist unless it can be said that but for the error, the outcome of the trial would clearly have been otherwise." *Id.* Here, there is nothing in the record to indicate that if the words "A True Bill" had been written rather than typed, that the outcome would have been different. Thus, there is no plain error and the judge did not err by overruling the motion for a new trial. The assignment of error is overruled.

The judgment of the Court of Common Pleas of Allen County is affirmed.

Judgment Affirmed.

HADLEY, P.J., and WALTERS, J., concur.

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