

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,  
CUYAHOGA COUNTY

State v. Green

2026-Ohio-1287 · No. No. 115598 · Decided April 9, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the denial of Arto D. Green III’s postsentence motion to withdraw his guilty plea. The court held that Green failed to establish ineffective assistance of counsel, manifest injustice, or entitlement to an evidentiary hearing based on alleged failures concerning his mental-health history and transfer to the mental-health-court docket.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Deena R. Calabrese; Lisa B. Forbes; Eileen A. Gallagher                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | April 9, 2026                                                                                                                                                                                                                                                                                                                                                                                               |
| DOCKET                | No. 115598                                                                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Defendant appealed the denial of his postsentence motions to withdraw his guilty plea under Ohio Criminal Rule 32.1, alleging ineffective assistance of counsel, manifest injustice, due process violations, and entitlement to an evidentiary hearing.                                                                                                                                                     |
| STANDARD OF REVIEW    | Ineffective-assistance-of-counsel claims are reviewed de novo. A postsentence motion to withdraw a guilty plea under Crim.R. 32.1 is available only to correct a manifest injustice, and the defendant bears the burden of establishing that manifest injustice. A trial court need hold a hearing on such a motion only when the facts alleged, if accepted as true, would require withdrawal of the plea. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES               | Arto D. Green, III v. State of Ohio                                                                                                                                                                                                                                                                                                                                                                         |

TOPICS

- plea bargaining
- ineffective assistance
- post-conviction relief
- due process
- appellate procedure

## PRACTICE AREAS

criminal procedure

post-conviction relief

constitutional law

appellate procedure

## QUESTIONS PRESENTED

1. Whether defense counsel provided ineffective assistance by failing to investigate Green's mental-health history, present mental-health mitigation, or request transfer to the mental-health-court docket.
2. Whether Green established a manifest injustice warranting postsentence withdrawal of his guilty plea under Crim.R. 32.1.
3. Whether the trial court was required to conduct an evidentiary hearing before denying Green's postsentence motion to withdraw his guilty plea.

## HOLDINGS

1. Green did not establish ineffective assistance because he failed to show deficient performance or prejudice. In particular, he did not show that counsel's failure to investigate his mental-health history or request transfer to the mental-health-court docket impaired the knowing and voluntary nature of his plea or that a transfer request would have succeeded.
2. The trial court properly denied Green's postsentence motion because he failed to establish a manifest injustice under Crim.R. 32.1.
3. The trial court was not required to hold an evidentiary hearing because the facts alleged in Green's motion, even if accepted as true, would not require withdrawal of his guilty plea.

## KEY QUOTATIONS

*“To establish a claim of ineffective assistance of counsel, [the appellant] must demonstrate that (1) his counsel was deficient in some aspect of his representation and (2) there is a reasonable probability that, were it not for counsel’s errors, the result of the trial would have been different.”*

*“The failure to make a showing of either deficient performance or prejudice defeats a claim of ineffective assistance of counsel.”*

*“This term has been variously defined, but it is clear that under such standard, a postsentence withdrawal motion is allowable only in extraordinary cases.”*

## FACTUAL BACKGROUND

On April 3, 2021, Green robbed an Uber driver at knife and gunpoint and took the driver's vehicle. He was indicted on aggravated robbery, grand theft, and having weapons while under disability, with firearm specifications. At age 20, Green pleaded guilty pursuant to a negotiated agreement after the charges were amended; the remaining counts and specifications were dismissed. Green later asserted that he had a history of childhood mental-health challenges and that counsel failed to investigate that history or seek transfer to the court's mental-health docket, but the record did not show mental-health problems at the time of the offense, proceedings, or plea.

## PROCEDURAL HISTORY

A Cuyahoga County grand jury indicted Green on aggravated robbery, grand theft, and having weapons while under disability, with firearm specifications. Green entered a negotiated guilty plea to amended aggravated-robbery charges with a one-year firearm specification, and the remaining counts and specifications were dismissed. The trial court imposed a sentence of six years for aggravated robbery plus one consecutive year for the firearm specification, subject to the Reagan Tokes Law. In 2025, Green filed postsentence motions to withdraw his guilty plea, which the trial court denied without a hearing. The Court of Appeals affirmed.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The case was remanded to the trial court only for execution of the sentence; the denial of the motion to withdraw the guilty plea was affirmed.

## CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- McMann v. Richardson, 397 U.S. 759 (1970)
- In re S.A., 2019-Ohio-4782, ¶ 46 (8th Dist.)
- Michel v. Louisiana, 350 U.S. 91, 101 (1955)
- State v. Davenport, 2018-Ohio-2933, ¶ 25 (8th Dist.)
- State v. McCann, 2025-Ohio-966, ¶ 18 (8th Dist.)
- State v. Madrigal, 87 Ohio St.3d 378, 389 (2000)
- State v. Hamblin, 37 Ohio St.3d 153, 155-156 (1988)
- Vaughn v. Maxwell, 2 Ohio St.2d 299, 301 (1965)
- State v. Munoz, 2023-Ohio-1895, ¶ 15 (8th Dist.)
- State v. Milczewski, 2012-Ohio-1743, ¶ 5 (8th Dist.)
- State v. Kelley, 57 Ohio St.3d 127 (1991)
- United States v. Broce, 488 U.S. 563, 574 (1989)
- State v. Meadows, 2022-Ohio-4513, ¶ 18 (8th Dist.)
- State v. Engle, 74 Ohio St.3d 525, 527 (1996)
- State v. Ellis, 2013-Ohio-1184, ¶ 30 (8th Dist.)
- Ohio v. Marneros, 2021-Ohio-2844, ¶ 17
- State v. Smith, 49 Ohio St.2d 261, 264 (1977)
- United States v. Mainer, 383 F.2d 444, 445 (3d Cir. 1967)
- State ex rel. Schneider v. Kreiner, 83 Ohio St.3d 203, 208 (1998)
- United States v. Semel, 347 F.2d 228, 229 (4th Cir. 1965)

- State v. D-Bey, 2021-Ohio-60, ¶ 57 (8th Dist.)
- State v. Norman, 2018-Ohio-2929, ¶ 16 (8th Dist.)
- State v. Vihtelic, 2017-Ohio-5818, ¶ 11 (8th Dist.)

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