

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO**

STATE OF OHIO,	:	PER CURIAM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2010-L-003
RONALD DUDAS,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 06 CR 000700.

Judgment: Affirmed.

William D. Mason, Cuyahoga County Prosecutor, and *Daniel Kasaris*, Assistant Prosecutor, The Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, OH 44113 (For Plaintiff-Appellee).

Ronald Dudas, pro se, Ross Correctional Institution, P.O. Box 7010, Chillicothe, OH 45601 (Defendant-Appellant).

PER CURIAM

{¶1} Appellant, Ronald Dudas, appeals the judgment of the Lake County Court of Common Pleas denying his motion to invalidate plea agreement as unconstitutional. Appellant was convicted, following his guilty plea, of intimidation of and retaliation against a Cuyahoga County Common Pleas Court Judge, intimidation of a police officer, and engaging in a pattern of corrupt activity involving the theft of money and real estate from numerous victims. In effect, this is appellant's third motion to withdraw his guilty

plea. Further, this is the twelfth appeal appellant has filed following the denial of his successive post-conviction motions by the trial court. At issue is whether appellant's present motion is barred by res judicata. For the reasons that follow, we affirm.

{¶2} On October 19, 2006, appellant pled guilty in two cases that were consolidated in the trial court. After two days of jury trial in Case No. 06 CR 000560, "the murder conspiracy case," appellant pled guilty to four counts of intimidation of Detective Simon Cesareo of the North Olmsted Police Department and Cuyahoga County Common Pleas Judge David T. Matia and one count of retaliation against Judge Matia. In Case No. 06 CR 000700, "the corrupt activity case," appellant pled guilty to engaging in a pattern of corrupt activity, tampering with records, forgery, felony theft, uttering, securing writings by deception, and telecommunications fraud.

{¶3} In the murder conspiracy case, appellant hired a hit man to murder Judge Matia and to break Detective Cesareo's legs in retaliation for their roles in investigating and sentencing him in a prior felony theft case.

{¶4} In the corrupt activity case, appellant formed and carried on an enterprise for the ostensible purpose of providing loans to individuals in desperate financial straits, but with the true purpose of stealing their funds and real estate. He set up and operated mortgage companies to accomplish this purpose. Many of appellant's victims were near foreclosure, and he took advantage of their plight by stealing the last of their assets. Appellant created false loan applications and mortgages, using the name and credit of his victims to obtain loans from lenders. He then stole the proceeds from these loans. He also stole money and real estate from his victims. He stole in excess of one million dollars from multiple victims, driving many of them into financial ruin and/or bankruptcy.

The indictment listed 35 victims. Appellant stole more than \$100,000 apiece from 14 separate victims.

{¶5} Following a sentencing hearing on December 1, 2006, in the murder conspiracy case, the court sentenced appellant on each of four counts of intimidation to five years, each term to run concurrently to the others. The court also sentenced him to five years on the retaliation count, to be served consecutively with the intimidation counts, for a total of ten years.

{¶6} In the corrupt activity case, the court sentenced appellant to ten years for engaging in a pattern of corrupt activity, five years for tampering with records, 18 months for forgery, one year for theft, 18 months for uttering, five years for securing writings by deception, and 18 months for telecommunications fraud. The prison terms imposed for forgery, theft, uttering, and telecommunications fraud were to be served concurrently to each other and concurrently to the terms imposed for engaging in a pattern of corrupt activity, tampering with records, and securing writings by deception. The terms for engaging in a pattern of corrupt activity, tampering with records, and securing writings by deception were to be served consecutively to each other, for a total of 20 years in prison, and consecutively to the prison term in the murder conspiracy case, for a total of 30 years in prison.

{¶7} Appellant filed a direct appeal and this court affirmed his conviction in *State v. Dudas*, 11th Dist. Nos. 2006-L-267 and 2006-L-268, 2007-Ohio-6739, discretionary appeal not allowed, 118 Ohio St.3d 1409, 2008-Ohio-2340 (“*Dudas I*”).

{¶8} Following appellant’s conviction, he filed multiple pro se motions and appealed their denial by the trial court. In *State v. Dudas*, 11th Dist. No. 2007-L-074,

2007-Ohio-6731 (“*Dudas II*”), this court affirmed the trial court’s denial of appellant’s motion to require the state to return his laptop computer and his personal and business files, which he argued the state had seized in an unlawful search.

{¶9} In *State v. Dudas*, 11th Dist. Nos. 2007-L-140 and 2007-L-141, 2008-Ohio-3262 (“*Dudas III*”), this court affirmed the trial court’s dismissal of appellant’s petition for post conviction relief.

{¶10} In *State v. Dudas*, 11th Dist. No. 2007-L-169, 2008-Ohio-3261 (“*Dudas IV*”), this court affirmed the trial court’s denial of appellant’s motion to compel two victims of his theft scheme to return his property

{¶11} In *State v. Dudas*, 11th Dist. Nos. 2007-L-170 and 2007-L-171, 2008-Ohio-3260 (“*Dudas V*”), this court affirmed the trial court’s denial of appellant’s Civ.R. 60 motion for relief from judgment.

{¶12} In *State v. Dudas*, 11th Dist. Nos. 2008-L-081 and 2008-L-082, 2008-Ohio-7043 (“*Dudas VI*”), this court affirmed the trial court’s denial of appellant’s first motion to withdraw his guilty plea.

{¶13} In *State v. Dudas*, 11th Dist. Nos. 2007-L-189 and 2007-L-190, 2008-Ohio-6983 (“*Dudas VII*”), this court affirmed the trial court’s denial of appellant’s petition to return all seized contraband from law enforcement officials.

{¶14} In *State v. Dudas*, 11th Dist. Nos. 2008-L-078 and 2008-L-079, 2009-Ohio-1003 (“*Dudas VIII*”), this court affirmed the trial court’s denial of appellant’s post-sentence request for production of documents pursuant to Civ.R. 34 and his “investigative demand against state.”

{¶15} In *State v. Dudas*, 11th Dist. Nos. 2008-L-109 and 2008-L-110, 2009-Ohio-1001 (“*Dudas IX*”), this court affirmed the trial court’s denial of appellant’s motion to quash the indictment.

{¶16} In *State v. Dudas*, 11th Dist. Nos. 2009-L-072 and 2009-L-073, 2010-Ohio-3253 (“*Dudas X*”), this court affirmed the trial court’s denial of appellant’s motion to void judgment and dismiss indictment, in which he argued his conviction violated double jeopardy.

{¶17} In *State v. Dudas*, 11th Dist. No. 2010-L-002, 2010-Ohio-____ (“*Dudas XI*”), this court affirmed the trial court’s denial of appellant’s second motion to withdraw his guilty plea.

{¶18} In addition, by our judgment entry, dated June 3, 2008, we denied appellant’s motion for reconsideration of this court’s affirmance of his conviction in *Dudas I*.

{¶19} On November 30, 2009, three years after appellant was sentenced, he filed his motion to invalidate his plea agreement as unconstitutional, which the trial court denied. Appellant now appeals the trial court’s ruling, asserting the following as his sole assignment of error:

{¶20} “The trial court erred by not holding a hearing on the issue’s [sic] presented and by denying the motion to invalidate plea agreement as unconstitutional.”

{¶21} Appellant argues that the trial court erred by not outlining all the “legal ramifications” of his guilty plea. Specifically, in addition to the requirements of Crim.R. 11, he argues the court should also have advised him: (1) regarding the effect of res judicata and ex post facto laws; (2) that the withdrawal of a guilty plea after sentencing

is “close to impossible;” (3) that by pleading guilty, he would be waiving his rights under the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments; (4) that a guilty plea waives any previous objection; and (5) that the failure to object results in a waiver of the issue on appeal. He does not dispute that the trial court complied with Crim.R. 11 in accepting his guilty plea, but argues that Crim.R. 11 is “vague,” “ineffective and wrong,” and violates due process because it does not require the trial court to advise him of the foregoing matters. He argues that because the court did not advise him of these issues before accepting his guilty plea, his plea was involuntary and should have been withdrawn.

{¶22} First, we note that, although appellant could have raised this argument at the time, he failed to raise it during his guilty plea hearing or on direct appeal. It is therefore barred by *res judicata*. *Dudas V* at ¶21. “In the context of criminal cases, ‘a convicted defendant is precluded under the doctrine of *res judicata* from raising and litigating in any proceeding, except an appeal from that judgment, any defense or any claimed lack of due process that was raised or could have been raised by the defendant at the trial which resulted in that judgment of conviction or on appeal from that judgment.’” (Emphasis omitted.) *Id.*, quoting *State v. Szefcyk*, 77 Ohio St.3d 93, 96, 1996-Ohio-337.

{¶23} Further, in *Dudas VI*, appellant’s appeal of the trial court’s denial of his first motion to withdraw his guilty plea, this court held: “Based on our thorough and complete review of the record, the trial court scrupulously complied with Crim.R. 11(C), and the record demonstrates appellant’s guilty plea was entered voluntarily.” *Id.* at ¶58.

Consequently, appellant's present challenge to the voluntary nature of his guilty plea is also barred by res judicata.

{¶24} Next, appellant fails to cite any pertinent authority in support of this assignment of error, in violation of App.R. 16(A)(7). For this additional reason, his argument is not well taken.

{¶25} However, even if appellant's assignment of error was not barred by res judicata, it would lack merit. This court has held that "Crim.R. 11(C) governs the entering of guilty pleas to felony charges." *State v. Singh* (2000), 141 Ohio App.3d 137, 140. "Generally, a guilty plea is deemed to have been entered knowingly and voluntarily if the record demonstrates that the trial court advised a defendant of (1) the nature of the charge and the maximum penalty involved, (2) the effect of entering a plea to the charge, and (3) that the defendant will be waiving certain constitutional rights by entering his plea. *State v. Madeline*, 11th Dist. No. 2000-T-0156, 2002-Ohio-1332, 2002 Ohio App. LEXIS 1348, *11, citing *State v. Sopjack* (Dec. 15, 1995), 11th Dist. No. 93-G-1826, 1995 Ohio App. LEXIS 5572, *27-*28. The constitutional rights referenced in Crim.R. 11(C)(2)(c) are the defendant's rights to jury trial, to confront witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to require the state to prove his guilt beyond a reasonable doubt at a trial at which he cannot be compelled to testify against himself.

{¶26} Therefore, Crim.R. 11, which governs the entry of guilty pleas in felony cases, does not require trial courts to advise defendants of the additional matters asserted in appellant's assignment of error. Because the trial court fully complied with

Crim.R. 11 in accepting appellant's guilty plea and further because his plea was entered knowingly, intelligently, and voluntarily, his assignment of error lacks merit.

{¶27} We therefore hold the trial court did not abuse its discretion in denying appellant's motion to invalidate his guilty plea.

{¶28} For the reasons stated in the Per Curiam Opinion of this court, the assignment of error is not well taken. It is the judgment and order of this court that the judgment of the Lake County Court of Common Pleas is affirmed.

MARY JANE TRAPP, P.J., CYNTHIA WESTCOTT RICE, J., TIMOTHY P. CANNON, J.,
concur.