

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio

Court of Appeals No. WD-11-022

Appellee

Trial Court No. 10TRC06969

v.

Andrew Sting

DECISION AND JUDGMENT

Appellant

Decided: July 6, 2012

* * * * *

Matthew L. Reger, Bowling Green City Prosecutor, for appellee.

John Peter Millon, for appellant.

* * * * *

SINGER, P.J.

{¶ 1} Appellant, Andrew Sting, appeals from his conviction in the Bowling Green Municipal Court for driving under the influence of alcohol, a violation of Bowling Green Municipal Code 73.01(A)(1), a misdemeanor of the first degree. For the reasons that follow, we affirm.

{¶ 2} Appellant sets forth the following assignment of error:

The Trial Court erred in accepting Defendant's plea of guilty in violation of Ohio Traf.R. 10(D), as the defendant was not informed of the effect of his plea of guilty.

{¶ 3} Crim.R. 11(E) provides:

In misdemeanor cases involving petty offenses the court may refuse to accept a plea of guilty or no contest, and shall not accept such pleas without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty.

Traf.R. 10(D), cited in appellant's assignment of error, mirrors Crim.R. 11(E).

{¶ 4} Crim.R. 2 provides:

(C) "Serious offense" means any felony, and any misdemeanor for which the penalty prescribed by law includes confinement for more than six months.

(D) "Petty offense" means a misdemeanor other than serious offense.

{¶ 5} Appellant in this case faced a maximum of six months in jail, thus, Crim.R. 11(E) applies.

{¶ 6} To satisfy the requirement of informing a defendant of the effect of a plea, pursuant to Crim.R. 11(E), a trial court must inform the defendant of the appropriate

language under Crim.R. 11(B). *State v. Jones*, 116 Ohio St.3d 211, 2007-Ohio-6093, 877 N.E.2d 677. Crim.R. 11(B) provides:

With reference to the offense or offenses to which the plea is entered: (1) The plea of guilty is a complete admission of the defendant's guilt.

* * *

(3) When a plea of guilty or no contest is accepted pursuant to this rule, the court, except as provided in divisions (C)(3) and (4) of this rule, shall proceed with sentencing under Crim.R. 32.

Crim.R. 11(E) does not require trial courts to engage in a lengthy inquiry when a plea is accepted to a misdemeanor charge involving a petty offense. *State v. Jones, supra*.

{¶ 7} In accepting the guilty plea, the trial judge addressed appellant personally and stated: “* * * you understand by entering a guilty plea, you are admitting all the essential elements of the offense as charged? You enter a guilty plea, I find you guilty. There will be no trial. The Court will proceed to sentencing today.”

{¶ 8} Finding that the trial court complied with Crim.R. 11, appellant’s sole assignment of error is found not well-taken.

{¶ 9} The judgment of the Bowling Green Municipal Court is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24(A)(2).

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, P.J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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