

[Cite as *State v. Rice*, 2007-Ohio-6192.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 89107

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

JAMES RICE

DEFENDANT-APPELLANT

**JUDGMENT:
REVERSED AND REMANDED**

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-483495

BEFORE: Stewart, J., Sweeney, P.J., and Kilbane, J.

RELEASED: November 21, 2007

JOURNALIZED:

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MELODY J. STEWART, J.:

{¶ 1} Defendant-appellant James Rice appeals from his conviction on one count of drug trafficking, one count of endangering children, and one count of possession of criminal tools. He argues that the court failed to advise him of his rights before accepting his guilty plea and also failed to inform him that he would be subject to postrelease control.

{¶ 2} The state concedes that the court failed to advise appellant of his constitutional rights as required by Crim.R. 11. Our independent review of the record confirms the same. We therefore sustain the first assignment of error and vacate Rice's guilty plea. The second assignment of error is moot. See App.R. 12(A)(1)(c).

{¶ 3} This cause is reversed and remanded for proceedings consistent with this opinion.

It is, therefore, ordered that said appellant recover of said appellee his costs herein taxed.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MELODY J. STEWART, JUDGE

JAMES J. SWEENEY, P.J., and
MARY EILEEN KILBANE, J., CONCUR