

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

WILLIAM A. CORBETT,

Defendant-Appellant.

CASE NO. 2026-L-0028

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 1999 CR 000350

OPINION AND JUDGMENT ENTRY

Decided: September 8, 2026

Judgment: Affirmed

Charles E. Coulson, Lake County Prosecutor, and *Teri R. Daniel*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

William A. Corbett, pro se, 2681 Birdsong Avenue, Murfreesboro, TN 37129 (Defendant-Appellant).

SCOTT LYNCH, J.

{¶1} Defendant-appellant, William A. Corbett, appeals the denial of his Motions to Withdraw Guilty Plea and for Evidentiary Hearing and In Camera Review. Although *res judicata* would not apply to all the claims raised by Corbett, his failure to demonstrate a manifest injustice supported with evidentiary materials was a valid basis for denying the Motions. Accordingly, we affirm the decision of the court below.

Procedural History

{¶2} In August 1999, Corbett pled guilty to Gross Sexual Imposition in the Lake County Court of Common Pleas and was sentenced to five years of community control.

{¶3} On February 27, 2026, Corbett filed a Motion to Withdraw Guilty Plea Pursuant to Crim.R. 32.1 due to Manifest Injustice and a Motion for Evidentiary Hearing. As grounds for withdrawing his guilty plea, the Motion alleged “Defendant has now discovered that critical exculpatory evidence existed at the time of the plea, was known to the State, and was **sealed or withheld** in a manner that rendered his plea **unknowning, involuntary, and constitutionally defective.**” Moreover, “**Defendant was never provided copies of the evidence**, never permitted to review witness statements or reports, and never given a substantive explanation of the evidence’s contents, scope, or exculpatory value.” Corbett concluded that, had he been permitted to meaningfully review this exculpatory evidence prior to entering his plea, “**he would not have pled guilty under any circumstances.**”

{¶4} The State of Ohio opposed Corbett’s Motions arguing that the Motion to Withdraw was barred by *res judicata* and that he failed to demonstrate a manifest injustice.

{¶5} Corbett responded that *res judicata* did not apply because the Motion relies on facts outside of the record:

Defendant states that:

- His attorney informed him that evidence discussed with the Court suggested Defendant did not commit the offense.
- According to counsel, the evidence included witness information discussed with the Court.
- Defendant was never allowed to review that evidence personally.
- Defendant relied solely upon counsel’s verbal characterization of the evidence when deciding whether to plead guilty.

- Despite counsel's statements that the evidence suggested innocence, Defendant was advised to accept a plea agreement.

Defendant further notes that he later became aware of at least one witness through a letter sent directly to him by that witness. This communication did not occur through the court process and was not part of any discovery provided to Defendant. The letter alerted Defendant to the existence of testimony or information from others that had never been shown or explained to him during the plea process.

Defendant's Reply to State's Response to Withdraw Guilty Plea and Motion for Evidentiary Hearing, at 2.

{¶6} On March 25, 2026, the trial court denied Corbett's Motion to Withdraw Guilty Plea and Motion for Evidentiary Hearing:

The Court finds that the Defendant's motion is barred by the doctrine of *res judicata*. *State v. McDonald*, 2004-Ohio-6332, ¶22 (11th Dist.). Additionally, the Defendant has failed to demonstrate manifest injustice as required by Crim.R. 32.1. There also has been no showing of a deficiency in the Crim.R. 11(C) colloquy. Finally, this motion is made 26 years after the Defendant waived his right to have his case presented to the Grand Jury, pleaded guilty by way of Information, and was sentenced.

Assignment of Error

{¶7} On March 26, 2026, Corbett filed a Notice of Appeal. On appeal, he raises the following assignment of error: "The trial court abused its discretion by denying appellant's Motion to Withdraw Guilty Plea and Motion for Evidentiary Hearing without conducting a hearing where appellant alleged facts outside the record which could not be resolved without factual development."

Motions to Withdraw Pleas after Sentencing

{¶8} "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.

1. A defendant who seeks to withdraw a plea of guilty after the imposition of sentence has the burden of establishing the existence of manifest injustice. (Crim.R. 32.1).

2. A motion made pursuant to Crim.R. 32.1 is addressed to the sound discretion of the trial court, and the good faith, credibility and weight of the movant’s assertions in support of the motion are matters to be resolved by that court.

3. An undue delay between the occurrence of the alleged cause for withdrawal of a guilty plea and the filing of a motion under Crim.R. 32.1 is a factor adversely affecting the credibility of the movant and militating against the granting of the motion.

State v. Smith, 49 Ohio St.2d 261 (1977), paragraphs one to three of the syllabus.

Manifest Injustice

{¶9} “A ‘manifest injustice’ is a ‘clear or openly unjust act,’ ... and relates to a fundamental flaw in the plea proceedings resulting in a miscarriage of justice[.]” (Citations omitted.) *State v. Straley*, 2019-Ohio-5206, ¶ 14. Although it has been “variously defined,” “it is clear that under such standard, a postsentence withdrawal motion is allowable only in extraordinary cases.” *Smith* at 264.

{¶10} “[I]f a defendant shows that he or she did not enter a plea knowingly, intelligently or voluntarily, the defendant may establish a manifest injustice sufficient to warrant withdrawal of the guilty plea under Crim.R. 32.1.” (Citations omitted.) *State v. Zendarski-Metcalf*, 2024-Ohio-780, ¶ 11 (11th Dist.).

Corbett Failed to Demonstrate a Manifest Injustice

{¶11} Corbett emphasizes his claims that trial counsel informed him that there was evidence which “suggested” that he was innocent but which he never reviewed

personally; that he relied solely on counsel’s verbal explanation of the evidence against him; that there was witness-related information which was not disclosed to him; and that he later learned of this information from sources outside the legal process. “If accepted as true, these allegations raise substantial questions regarding whether Appellant’s plea was entered knowingly, voluntarily, and intelligently.” Appellant’s Brief at 5.

{¶12} Simply raising substantial questions about the validity of a guilty plea does not satisfy the “extremely high standard” required to permit the withdrawal of a guilty plea. (Citation omitted.) *State v. Onusic*, 2026-Ohio-2767, ¶ 16 (11th Dist.); *State v. Grimes*, 2026-Ohio-2739, ¶ 19 (2d Dist.). “The defendant seeking to withdraw the post-sentence [plea] has the burden of establishing manifest injustice based on specific facts contained in the record or supplied through affidavits attached to the motion.” *State v. Dilts*, 2026-Ohio-1667, ¶ 8 (5th Dist.); *State v. Price*, 2024-Ohio-5823, ¶ 12 (10th Dist.).

{¶13} Here, Corbett makes vague claims about purportedly exculpatory evidence but provides no details about what this “witness-related information” is, *i.e.*, nothing about the identity of the witnesses, the substance of their information, or why he has only learned of its existence after twenty-six years. Corbett has raised allegations which on their face do not demonstrate a manifest injustice and do not in any way allow the trial court to evaluate the good faith, credibility or weight of his assertions.

Hearing on Motion to Withdraw

{¶14} “[T]he decision as to whether to hold a hearing [is] entrusted to the sound discretion of the trial court.” *State v. Romero*, 2019-Ohio-1839, ¶ 34. “[A] trial court need not hold an evidentiary hearing on a post-sentence motion to withdraw a guilty plea if the record indicates the movant is not entitled to relief and the movant has failed to submit

evidentiary documents sufficient to demonstrate a manifest injustice.” (Citations omitted.) *Zendarski-Metcalf*, 2024-Ohio-780, at ¶ 22 (11th Dist.); *Onusic* at ¶ 16 (a defendant must “support the allegations contained in the motion with affidavits and/or the record”) (citation omitted).

The Trial Court Did Not Abuse its Discretion by Denying the Motion for Hearing

{¶15} Corbett argues that an evidentiary hearing was necessary because the allegations raised in his Motion to Withdraw Plea concerned matters outside of the record, such as discussions occurring in the judge’s chambers and discovery that was never shown to him. “The absence of a factual record is precisely why a hearing was necessary.” Appellant’s Brief at 4.

{¶16} The trial court properly denied Corbett’s Motion for an Evidentiary Hearing because his allegations were unsupported by any evidentiary material. After the passage of twenty-six years, a defendant is not entitled to discovery and an evidentiary hearing based on unsupported allegations. If Corbett is aware of the substance of the in-chambers discussions or the purported exculpatory evidence, he needed to present this evidence to the court by way of affidavit. If he is not aware of the substance of the discussions or evidence, then his allegations are nothing more than speculation and failed to demonstrate a manifest injustice. *Compare Onusic* at ¶ 23 (“the trial court was not required to hold an evidentiary hearing because Onusic has failed to establish ‘sufficient operative facts to demonstrate that the guilty plea was coerced or induced by false promises’”) (citation omitted).

Res Judicata

{¶17} “Res judicata generally bars a defendant from raising claims in a Crim.R.

32.1 postsentencing motion to withdraw a guilty plea that he raised or could have raised on direct appeal.” *Straley*, 2019-Ohio-5206, at ¶ 23. “The ‘main legal thread’ running through [the supreme] court’s decisions related to the applicability of *res judicata* is ‘the necessity of a fair opportunity to fully litigate and to be “heard” in the due process sense.’” (Citation omitted.) *State ex rel. Hicks v. Adams Cty. Bd. of Elections*, 2026-Ohio-1274, ¶ 41.

{¶18} “However, *res judicata* does not bar claims raised in a motion to withdraw a guilty plea that are based on new evidence outside of the trial court record and could not have been raised in an earlier proceeding.” *State v. Brime*, 2026-Ohio-1003, ¶ 11 (10th Dist.).

Res Judicata Bars at Least Some of Corbett’s Claims

{¶19} Corbett argues that *res judicata* is inapplicable inasmuch as his claims rely on “off-the-record discussions in chambers; undisclosed witness-related information; sealed case materials; [and] facts never contained within any transcript.” Appellant’s Brief at 4-5.

{¶20} To the extent that Corbett’s claims do rely on new evidence outside of the record, he is correct that *res judicata* does not apply. But not all of his claims rely on such evidence. Corbett alleges that he was advised of potentially exculpatory evidence by trial counsel but not allowed to view it and, therefore, necessarily relied on counsel’s “characterization” of the evidence. These circumstances were known to Corbett at the time he entered his plea and could have served as a basis for withdrawing his plea prior to sentencing (when such motions should be liberally granted). *State v. Barnes*, 2022-

Ohio-4486, ¶ 13. Accordingly, *res judicata* does apply to Corbett's claims where they are based on circumstances known to him and could have been raised prior to sentencing.

{¶21} The fact that *res judicata* does not bar all of Corbett's claims is not grounds for reversal. As explained above, these claims fail to demonstrate a manifest injustice. They provide no specific information as to why the purportedly new evidence would render his plea invalid and they are unsupported by affidavits or any other evidentiary foundation. Also significant is the fact that Corbett provided no information regarding when he learned of this evidence's existence which is an important consideration in evaluating a motion to withdraw a plea. *Smith*, 49 Ohio St.2d 261, at paragraph three of the syllabus ("[a]n undue delay between the occurrence of the alleged cause for withdrawal of a guilty plea and the filing of a motion under Crim.R. 32.1 is a factor adversely affecting the credibility of the movant and militating against the granting of the motion"). In conclusion, it must be emphasized that without any indication of what new evidence Corbett may have discovered or how it might have affected his decision to plead guilty, the Motion to Withdraw is simply insufficient to demonstrate a manifest injustice.

{¶22} The sole assignment of error is without merit.

{¶23} For the foregoing reasons, we affirm the denial of Corbett's Motions to Withdraw Guilty Plea and for Evidentiary Hearing and In Camera Review. Costs to be taxed against the appellant.

JOHN J. EKLUND, J.,

EUGENE A. LUCCI, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the Opinion of this court, the assignment of error is without merit. The order of this court is that the judgment of the Lake County Court of Common Pleas is affirmed.

Costs to be taxed against appellant.

JUDGE SCOTT LYNCH

JUDGE JOHN J. EKLUND,
concur

JUDGE EUGENE A. LUCCI,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

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