[Cite as *State v. Claar*, 2026-Ohio-4436.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY

STATE OF OHIO, Plaintiff-Appellee, - vs - MATTHEW J. CLAAR, Defendant-Appellant.	**CASE NO. 2026-G-0008** Criminal Appeal from the Court of Common Pleas Trial Court No. 2025 C 000126

OPINION AND JUDGMENT ENTRY

Decided: November 9, 2026
Judgment: Reversed and remanded

James R. Flaiz, Geauga County Prosecutor, and *Nicholas A. Burling*, Assistant Prosecutor, Courthouse Annex, 231 Main Street, Suite 3A, Chardon, OH 44024 (For Plaintiff-Appellee).

Russell S. Bensing, 377B Lear Road, Suite 121, Avon Lake, OH 44012 (For Defendant-Appellant).

MATT LYNCH, P.J.

{¶1} Appellant, Matthew J. Claar, appeals the judgment of the Geauga County Court of Common Pleas sentencing him to 18 months in prison after he pleaded no contest to one count of vehicular homicide.

{¶2} Claar contends the trial court erred by accepting his plea without inquiring into the nature of the conflict between him and the public defender's office. After a careful review of Claar's argument, the record, and the pertinent law, we find Claar's assignment of error has merit and reverse and remand in accordance with the following.

Substantive and Procedural History

{¶3} In December 2025, a Geauga County grand jury indicted Claar on five counts: (1) vehicular homicide, a fourth-degree felony, in violation of R.C. 2903.06(A)(3)(a); (2) operating a motor vehicle without a valid license, a minor misdemeanor, in violation of R.C. 4510.12(A)(1); (3) driving under suspension, a first-degree misdemeanor, in violation of R.C. 4510.11(A); (4) assured clear distance, a minor misdemeanor, in violation of R.C. 4511.21(A); and (5) improper use of noncommercial motor vehicle, a fourth-degree misdemeanor, in violation of R.C. 4503.05(A).

{¶4} As relevant to the instant appeal, on December 22, 2025, at his arraignment hearing, the trial court reviewed the charges against Claar and engaged him in the following colloquy concerning his representation:

> [The Court:] I do have a notice of appearance from the public defender, ... And Mr. Claar, you are okay with [counsel] representing you?
>
> [Claar:] Absolutely.
>
> [The Court:] It has been indicated to me that there was as [sic] possible conflict between yourself and the Public Defender's Office. If there is such a conflict, do you waive any such conflict at this time?
>
> [Claar:] Yes, sir.

{¶5} The hearing proceeded to a change of plea hearing, and the court inquired as to the plea agreement in which Claar agreed to plead no contest to count one, vehicular homicide, and the State agreed to move to dismiss the remaining charges. As relevant, the court engaged Claar in the following colloquy:

> [The Court:] Has your counsel answered all of your questions?
>
> [Claar:] Yes.

> [The Court:] Now, I mentioned at arraignment that there was a conflict between you and [counsel] – a possible conflict between you and [counsel's] office. At this time, do you waive that conflict?
>
> [Claar:] Yes, sir.

{¶6} After engaging Claar in a Crim.R. 11(C)(2) colloquy advising him of his constitutional and nonconstitutional rights, the court accepted Claar's plea of no contest and found him guilty of vehicular homicide.

{¶7} In February 2026, the trial court sentenced Claar to 18 months in prison and suspended his driver's license for five years upon his release from prison.

{¶8} Claar timely appealed and raises one assignment of error for our review:

{¶9} "The trial court erred in accepting defendant's plea."

Conflict of Interest

{¶10} In his sole assignment of error, Claar contends his plea could not have been knowingly, intelligently, and voluntarily entered because the court failed to inquire into the underlying nature of his conflict with counsel.

{¶11} "The fundamental right to counsel includes a 'correlative right to representation free from conflicts of interest.'" *State v. Williams*, 2021-Ohio-3152, ¶ 6, quoting *State v. Gillard*, 64 Ohio St.3d 304, 311 (1992). "'Both defense counsel and the trial court are under an affirmative duty to ensure that a defendant's representation is conflict-free.'" *Id.*, quoting *State v. Dillon*, 74 Ohio St.3d 166, 167-168 (1995). "Defense counsel has a duty to provide effective, conflict-free assistance of counsel under the Sixth Amendment and its supporting caselaw, *see e.g., Cuyler v. Sullivan*, 446 U.S. 335, 345 (1980), and pursuant to the Ohio Rules of Professional Conduct." *Id.*

{¶12} "[W]here a trial court knows or reasonably should know of an attorney's possible conflict of interest in the representation of a person charged with a crime, the trial court has an affirmative duty to inquire whether a conflict of interest actually exists. The duty to inquire arises not only from the general principles of fundamental fairness, but from the principle that where there is a right to counsel, there is a correlative right to representation free from conflicts of interest. Where a trial court breaches its affirmative duty to inquire, a criminal defendant's rights to counsel and to a fair trial are impermissibly imperiled and prejudice or 'adverse effect' will be presumed." (Internal citations omitted.) *Gillard* at 311-312.

{¶13} In *Gillard*, the Supreme Court of Ohio found the trial court had an affirmative duty to inquire into a possible conflict of interest, but it was unable to determine from the trial court's limited inquiry whether there was an actual conflict of interest. *Id.* at 312. The trial court's limited inquiry and appointment of new counsel for a witness who was under investigation for the same incident was insufficient to satisfy the constitutionally required duty to inquire whether the appellant's right to conflict-free counsel was protected. *Id.* Thus, despite the "overwhelming evidence" of the appellant's guilt, the Supreme Court remanded for the trial court to conduct a hearing to determine whether an actual conflict of interest existed. *Id.* If an actual of conflict of interest existed, the trial court was ordered to hold a new trial. *Id.*

{¶14} Likewise, in *State v. Johnson*, 2010-Ohio-315 (3d Dist.), the Third District Court of Appeals found, "A review of the record indicate[d] that the trial court extensively discussed the effect of a waiver on the *potential* conflict of interest, but did not inquire as to whether an actual conflict of interest was present. The trial court also did not inform

[the appellant] that he could have a new attorney if he so wished. Without more information concerning the circumstances of the conflict, this court cannot ascertain whether the waiver was sufficient. This is especially true with regard to whether or not it was necessary to advise [the appellant] that another attorney would be appointed for him if [the appellant] was not comfortable with the potential conflict as laid out by the court." (Emphasis in original.) *Id.* at ¶ 6. Ultimately, the Third District reversed and remanded for the trial court to hold a hearing to determine if an actual conflict existed and, if so, to hold a new trial. *Id.* at ¶ 8-9. *See also State v. Feemorlu*, 2015-Ohio-4528, ¶ 19 (3d Dist.) (reversed and remanded for trial court to hold a conflict of interest hearing where record lacked support for trial court's conflict of interest decision and lacked proof that affirmative duty to properly inquire was fulfilled).

{¶15} In the instant matter, the trial court was informed of the possibility of a conflict between the public defender's office and Claar. However, the trial court did not inquire into whether an actual conflict existed, it did not inform Claar of the effect of his waiver, and it did not inform him the court could appoint him a new attorney. The court simply mentioned a "possible conflict" and whether Claar wished to "waive" it. Thus, the court failed to fulfill its affirmative duty to inquire whether a conflict of interest actually existed, and Claar's waiver was insufficient. This matter must be remanded for the trial court to hold a hearing and determine if an actual conflict of interest existed. If an actual conflict of interest existed, the court must proceed from the point of error, i.e., the plea hearing. If no actual conflict is found, then no further action is necessary. *See Johnson* at ¶ 8, citing *Gillard*, 64 Ohio St.3d at 312; *Feemorlu* at ¶ 19-20.

{¶16} Accordingly, Claar's sole assignment of error is well taken.

{¶17} The judgment of the Geauga County Court of Common Pleas is reversed, and the matter is remanded in accordance with the foregoing.

JOHN J. EKLUND, J.,

ROBERT J. PATTON, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, it is the judgment and order of this court that the judgment of the Geauga County Court of Common Pleas is reversed, and this matter is remanded to the trial court for further proceedings consistent with the opinion.

Costs to be taxed against appellee.

PRESIDING JUDGE MATT LYNCH

JUDGE JOHN J. EKLUND,
concurs

JUDGE ROBERT J. PATTON,
concurs

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.