

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,	:	CASE NO. CA2026-03-028
Appellee,	:	
vs.	:	<u>OPINION AND</u>
	:	<u>JUDGMENT ENTRY</u>
ERROL MAURICE BAKER,	:	10/13/2026
Appellant.	:	
	:	

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR2025-06-0741

Michael T. Gmoser, Butler County Prosecuting Attorney, and Willa Concannon, Assistant Prosecuting Attorney, for appellee.

Brian T. Goldberg, for appellant.

OPINION

SIEBERT, J.

{¶ 1} Appellant, Errol Baker, appeals from his conviction in the Butler County Court of Common Pleas following his guilty plea to one count of trafficking in heroin. On appeal, Baker argues that his plea was invalid because the trial court failed to provide

certain advisements required by Crim.R. 11 and further contends that the trial court incorrectly concluded his offense carried a mandatory 11-year prison term. Because the record demonstrates that Baker entered his plea knowingly, intelligently, and voluntarily and that the trial court properly applied the sentencing statutes, we affirm the judgment of the trial court.

Facts and Procedural History

{¶ 2} On July 21, 2025, a Butler County Grand Jury indicted Baker on six drug-related offenses involving fentanyl, heroin, and cocaine. The indictment charged Baker with six first-degree felony counts for drug possession and trafficking, each with forfeiture specifications, and included a major drug offender specification attached to Count 1. Baker initially entered a not guilty plea. He later reached a plea agreement and pled guilty to one count of trafficking in heroin in violation of R.C. 2925.03(A)(2), a first-degree felony. In exchange for his plea, the State dismissed the remaining counts and the major drug specification.

{¶ 3} Prior to accepting his plea, the trial court conducted a Crim.R. 11 plea colloquy. During the colloquy, the trial court advised Baker that he faced, and would receive, an indefinite prison term of 11 to 16 and one-half years. Baker confirmed that he had reviewed the written plea agreement with counsel, that counsel answered his questions, and that the signature on the agreement was his own. He also confirmed that he was not on postrelease control for a prior felony conviction.

{¶ 4} The trial court further advised Baker that he would be subject to a mandatory period of postrelease control following his release from prison. The court explained that a violation of the conditions of postrelease control could result in additional prison time of up to one-half of his stated prison term, imposed in increments of up to nine months. Baker indicated that he understood these advisements. The trial court also

advised Baker that defense counsel intended to seek a waiver of the mandatory fine based on Baker's financial circumstances and continued sentencing to permit counsel to file the necessary motion. Baker indicated that he understood.

{¶ 5} After determining that Baker's plea was entered knowingly, intelligently, and voluntarily, the trial court accepted the plea and scheduled the matter for sentencing. At the sentencing hearing, the court imposed the previously advised prison term of 11 to 16 and one-half years and ordered Baker to serve a mandatory term of postrelease control. The trial court also waived the mandatory fine associated with the offense and declined to impose a driver's license suspension. Baker now appeals, raising two assignments of error for review.

Appeal

A. Baker's Plea was Knowing, Intelligent, and Voluntary

{¶ 6} In his first assignment of error, Baker argues that his guilty plea was not entered knowingly, intelligently, and voluntarily because the trial court failed to advise him of the maximum penalty as required by Crim.R. 11(C)(2)(a). Specifically, Baker argues the trial court failed to advise him of (1) the mandatory and maximum potential fine associated with the offense, (2) the possibility of a driver's license suspension, and (3) the consequences of committing a new felony while on postrelease control.

{¶ 7} A criminal defendant's choice to enter a guilty plea is a serious decision. *State v. Clark*, 2008-Ohio-3748, ¶ 25. "When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily. Failure on any of those points renders enforcement of the plea unconstitutional under both the United States Constitution and the Ohio Constitution." *State v. Edmonson*, 2025-Ohio-4314, ¶ 38 (12th Dist.). To ensure that a guilty plea to a felony charge is knowing, intelligent, and voluntary, the trial court must engage the defendant in a plea colloquy pursuant to Crim.R. 11(C).

State v. Valdez, 2024-Ohio-3357, ¶ 15 (12th Dist.).

{¶ 8} Specifically, the "trial court must inform the defendant that he is waiving his privilege against compulsory self-incrimination, his right to jury trial, his right to confront his accusers, and his right of compulsory process of witnesses." *State v. Montgomery*, 2016-Ohio-5487, ¶ 41; Crim.R. 11(C)(2)(c). In addition to these constitutional rights, the trial court must determine that the defendant understands the nature of the charge, the maximum penalty involved, and the effect of the plea. *Montgomery* at ¶ 41; Crim.R. 11(C)(2)(a) and (b). "A plea may be involuntary if the accused does not understand the nature of the constitutional protections he is waiving . . . or because he has such an incomplete understanding of the charge that his plea cannot stand as an intelligent admission of guilt." *State v. Simmons*, 2026-Ohio-2761, ¶ 9 (12th Dist.).

{¶ 9} The Ohio Supreme Court has addressed a trial court's compliance with Crim.R. 11(C) and how an appellate court should review a trial court's plea colloquy. *State v. Dangler*, 2020-Ohio-2765, ¶ 11. In general, "a defendant is not entitled to have his plea vacated unless he demonstrates he was prejudiced by a failure of the trial court to comply with the provisions of Crim.R. 11(C)." *Id.* at ¶ 16. However, there are two exceptions to this rule: (1) when the trial court fails to explain the constitutional rights set forth in Crim.R. 11(C)(2)(c) that a defendant waives by pleading guilty or no contest, and (2) "a trial court's complete failure to comply with a portion of Crim.R. 11(C)." *Id.* at ¶ 15. Under either exception, the defendant is not required to show prejudice. *Id.* at ¶ 14-16.

{¶ 10} The record shows that the trial court complied with Crim.R. 11(C) in accepting Baker's guilty plea. On appeal, Baker first argues that the trial court failed to advise him of the consequences of committing a new felony while on postrelease control. However, this court recently rejected that precise argument. *State v. Toler*, 2026-Ohio-222, ¶ 14 (12th Dist.). In *Toler*, we reaffirmed that when a defendant is not on postrelease

control at the time of the plea, Crim.R. 11(C)(2)(a) does not require the trial court to advise the defendant of the consequences that may arise from a future felony conviction committed while on postrelease control. *Id.* at ¶ 14; *State v. Carr*, 2021-Ohio-1983, ¶ 27 (12th Dist.). As we explained, requiring such an advisement "would essentially require courts to inform pleading offenders of the consequences of events that, at the time of the plea, are completely speculative." *Toler* at ¶ 12.

{¶ 11} In this case, Baker confirmed he was not on postrelease control for a prior offense when he entered his plea. Accordingly, the trial court was not required to provide the advisement Baker now claims was necessary.

{¶ 12} Baker next argues that the trial court failed to advise him of the mandatory fine, maximum possible fine, and the possibility of a driver's license suspension. The record reflects that the trial court discussed the mandatory fine during the plea colloquy and explained that defense counsel intended to seek a waiver of the mandatory fine based on Baker's financial circumstances. Baker indicated that he understood.

{¶ 13} Baker's reliance on *State v. Rogers*, 2020-Ohio-4102 (12th Dist.), is misplaced. In *Rogers*, the trial court failed to advise the defendant of both the maximum possible fines and the mandatory fine applicable to one of the offenses to which he pled guilty. The trial court then imposed that mandatory fine at sentencing. *Id.* at ¶ 5-6. This court reversed, concluding that the mandatory fine was a component of the maximum penalty under Crim.R. 11(C)(2)(a). *Id.* at ¶ 13, 26. However, unlike *Rogers*, where the trial court made no mention of the fine during the plea colloquy and later imposed the mandatory fine at sentencing, the trial court here discussed the mandatory fine before accepting Baker's plea and explained that defense counsel intended to seek a waiver of that fine. Furthermore, the trial court ultimately waived the mandatory fine and did not impose a driver's license suspension.

{¶ 14} Even if the trial court's advisements regarding the maximum possible fine and driver's license suspension were incomplete, Baker has not demonstrated prejudice. The trial court ultimately waived the mandatory fine and did not impose a driver's license suspension, and nothing in the record suggests that Baker would have rejected the plea had the court provided additional advisements regarding those sanctions.

{¶ 15} Baker's first assignment of error is overruled.

B. The Trial Court's Sentencing Decision

{¶ 16} In his second assignment of error, Baker argues that the trial court sentenced him under the mistaken belief that his offense carried a mandatory prison term of 11 years. According to Baker, the major-drug-offender specification attached to Count 1 was dismissed as part of the plea agreement. He therefore contends that the trial court incorrectly believed it was required to impose an 11-year prison term.

{¶ 17} R.C. 2929.11 embodies the "overriding purposes of felony sentencing" and requires that sentences protect the public, punish an offender, and promote the rehabilitation of the offender. The statute also requires that imposed sentences balance the seriousness of the crime with its impact on a victim and be consistent with sentences imposed on similar crimes and offenders. *Id.* at (B). In turn, R.C. 2929.12 gives the trial court discretion on how to balance and comply with these overriding purposes while considering various factors regarding the seriousness of the crime and an offender's risk of recidivism, including whether the offender had a criminal history and whether the offense was committed "as a part of an organized criminal activity." *State v. Johnson*, 2024-Ohio-3237, ¶ 7 (12th Dist.).

{¶ 18} To prevail on an appeal relating to R.C. 2929.11 and 2929.12, an appellant must present clear and convincing evidence that the sentence is "otherwise contrary to law" under R.C. 2953.08(G)(2)(b). *State v. Iverson*, 2023-Ohio-1601, ¶ 40 (12th Dist.). A

sentence is not "clearly and convincingly contrary to law" if the trial court considers the principles and purposes of felony sentencing and the sentencing factors, but the trial court is not required to make any specific factual findings on the record. *State v. Murphy*, 2025-Ohio-63, ¶ 15-16 (12th Dist.).

{¶ 19} After reviewing the record, we find no support for Baker's argument. As an initial matter, Baker's argument mischaracterizes the offense to which he pled guilty. Baker pled guilty to Count 3 of the indictment, trafficking in heroin in violation of R.C. 2925.03(A)(2), along with a forfeiture specification involving \$5,412 in cash. In exchange for his plea, the State dismissed the remaining counts and specifications.

{¶ 20} During the plea hearing, the trial court repeatedly advised Baker that the offense carried a mandatory prison term. The court explained that "it's a mandatory prison sentence in this case of 11 years" and further advised Baker that, under the Reagan Tokes Law, the maximum possible prison term was 16 and one-half years. Baker stated that he understood. The court later reiterated that it would impose the mandatory 11-year prison term as part of the plea agreement, and Baker again acknowledged that he understood.

{¶ 21} The record also demonstrates that defense counsel understood the sentence to be mandatory. At sentencing, counsel advised the court that Baker understood the offense carried "a mandatory minimum of mandatory 11 years" and that Baker accepted the consequences of his actions. When asked to enter his plea, Baker himself responded, "11 years mandatory" before pleading guilty.

{¶ 22} Baker nevertheless contends that the trial court was mistaken because the major-drug-offender specification attached to Count 1 was dismissed. That argument, however, rests on a misunderstanding of the applicable sentencing laws. The major-drug-offender specification attached to Count 1 is distinct from the penalty provisions that

applied to Count 3, the offense to which Baker pled guilty.

{¶ 23} Count 3 charged Baker with trafficking in heroin in an amount equal to or exceeding "one thousand unit doses" or "one hundred grams." Pursuant to R.C. 2925.03(C)(6)(g), trafficking in heroin in that quantity constitutes a first-degree felony, renders the offender a major drug offender, and requires the trial court to impose "a maximum first degree felony mandatory prison term." As we have recognized, the major-drug-offender determination contained in R.C. 2925.03 is distinct from a major-drug-offender specification alleged under R.C. 2941.1410. See *State v. Hooks*, 2022-Ohio-4132, ¶ 15 (12th Dist.); *State v. Davis*, 2025-Ohio-2382 , ¶ 73 (12th Dist.).

{¶ 24} Thus, the dismissal of the major-drug-offender specification attached to Count 1 did not alter the sentencing provisions applicable to Count 3. By pleading guilty to Count 3, Baker admitted trafficking in an amount of heroin that independently subjected him to the mandatory sentencing provisions of R.C. 2925.03(C)(6)(g). Indeed, nothing in the record indicates that either the parties or the trial court believed the sentence to be discretionary even with the dismissal of the specification attached to Count 1. The trial court therefore correctly advised Baker that the offense carried a mandatory prison term and properly imposed an indefinite sentence of 11 to 16 and one-half years.

{¶ 25} Because the trial court correctly understood and applied the applicable sentencing provisions, Baker's sentence is not contrary to law. Accordingly, his second assignment of error is overruled.

{¶ 26} Judgment affirmed.

PIPER, P.J., and M. POWELL, J., concur.

JUDGMENT ENTRY

The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Robin N. Piper, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge