

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO

Appellee

V.

CHRISTOPHER HAILEY II

Appellant

C.A. Nos. 30714, 30715, 30716

Trial Court Case Nos. 2024CR454;
2025CR571; 2025CR1675

(Criminal Appeal from Common Pleas Court)

FINAL JUDGMENT ENTRY & OPINION

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Pursuant to the opinion of this court rendered on August 21, 2026, the judgments of the trial court are affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,

W c 1.

RONALD C. LEWIS, PRESIDING JUDGE

TUCKER, J., and EPLEY, J., concur.

OPINION
MONTGOMERY C.A. Nos. 30714, 30715, 30716

DAVID R. MILES, Attorney for Appellant
MICHAEL P. ALLEN, Attorney for Appellee

LEWIS, P.J.

{¶ 1} Defendant-appellant Christopher Hailey II appeals from his convictions in three criminal cases in the Montgomery County Common Pleas Court. For the following reasons, we affirm the judgments of the trial court.

I. Course of Proceedings

{¶ 2} Before addressing the arguments Hailey raises on appeal, we summarize the trial court proceedings in his three criminal cases.

a. Case No. 2024 CR 454

{¶ 3} On March 6, 2024, in Montgomery C.P. No. 2024 CR 454, a Montgomery County grand jury indicted Hailey on one count of having weapons while under disability (prior offense of violence), a third-degree felony in violation of R.C. 2923.13(A)(2); one count of carrying concealed weapons (loaded/ready at hand), a fourth-degree felony in violation of R.C. 2923.12(A)(2); one count of improper handling of a firearm in a motor vehicle (transport/loaded firearm), a fourth-degree felony in violation of R.C. 2923.16(B); one count of obstructing official business, a fifth-degree felony in violation of R.C. 2921.31(A); and one count of resisting arrest, a second-degree misdemeanor in violation of R.C. 2921.33(A). The indictment related to Hailey's alleged actions on October 12, 2023. Hailey pleaded not guilty to all the counts.

{¶ 4} Hailey subsequently entered into a plea agreement with the State. On April 26, 2024, Hailey pleaded guilty to having weapons while under disability and obstructing official

business in exchange for the State recommending the dismissal of the other three counts in the indictment. Hailey also agreed to forfeit his interest in the weapon involved in the offense. The court accepted his guilty pleas and found him guilty of the offenses. The trial court dismissed the remaining counts of the indictment. The court sentenced Hailey to five years of community control sanctions. The trial court informed Hailey that if he violated any community control sanction or law during this five-year period, then the trial court could impose a longer time under the community control sanctions, more restrictive sanctions, or consecutive prison sentences of 36 months on the having weapons under disability conviction and 12 months on the obstructing official business conviction.

{¶ 5} On August 13, 2024, a notice of revocation was filed based on Hailey's arrest by the Dayton Police Department on August 8, 2024, for possession of drugs. Additional sanctions were added to Hailey's community control.

{¶ 6} On November 12, 2024, an additional notice of revocation was filed against Hailey based on his contact with the Trotwood Police Department in which officers located a loaded firearm and illicit substances in Hailey's vehicle. On December 6, 2024, Hailey was ordered to complete the MonDay program as an additional community control sanction.

{¶ 7} In July 2025, another notice of revocation was filed against Hailey because he had been charged with a misdemeanor count of obstructing official business and indicted in another criminal case. Hailey had also failed to report to Probation Services and had been declared an absconder. Hailey was subsequently arrested, and his community control sanctions were revoked.

b. Case No. 2025 CR 571

{¶ 8} On March 19, 2025, in Montgomery C.P. No. 2025 CR 571, a Montgomery County grand jury indicted Hailey on one count of possession of a fentanyl-related

compound in an amount equal to or greater than 10 grams but less than 20 grams, a second-degree felony in violation of R.C. 2925.11(A); one count of aggravated possession of drugs (oxycodone), a fifth-degree felony in violation of R.C. 2925.11(A); and one count of possession of drugs (xylazine), a first-degree misdemeanor in violation of R.C. 2925.11(A). The indictment involved Hailey's alleged actions on August 8, 2024, when he was a passenger in a motor vehicle that was stopped by the Dayton Police Department. Hailey pleaded not guilty to the charges.

c. Case No. 2025 CR 1675

{¶ 9} On July 18, 2025, in Montgomery C.P. No. 2025 CR 1675, a Montgomery County grand jury indicted Hailey on the following counts: (1) having weapons while under disability, a third-degree felony in violation of R.C. 2923.13(A)(2); (2) aggravated possession of drugs (oxycodone) in an amount that equaled or exceeded the bulk amount but was less than five times the bulk amount, a third-degree felony in violation of R.C. 2925.11(A); (3) carrying concealed weapons, a fourth-degree felony in violation of R.C. 2923.12(A)(2); (4) improper handling of a firearm in a motor vehicle, a fourth-degree felony in violation of R.C. 2923.16(B); (5) aggravated possession of drugs (methamphetamine), a fifth-degree felony in violation of R.C. 2925.11(A); (6) possession of drugs (alprazolam), a first-degree misdemeanor in violation of R.C. 2925.11(A); and (7) possession of drugs (xylazine), a first-degree misdemeanor in violation of R.C. 2925.11(A). The July 18, 2025 indictment involved Hailey's alleged actions on November 4, 2024. Hailey pleaded not guilty to all the counts of the indictment.

**d. The Plea Agreement in Case Nos. 2025 CR 571 and 2025 CR 1675 and
Final Sentencing of Hailey**

{¶ 10} On October 30, 2025, Hailey entered into a plea agreement with the State. He pleaded guilty in Case No. 2025 CR 571 to one count of possession of a fentanyl-related compound in an amount equal to or greater than 10 grams but less than 20 grams. In exchange for this guilty plea, the State recommended the dismissal of the other two counts of the March 2025 indictment. In Case No. 2025 CR 1675, Hailey pleaded guilty to one count of having weapons while under disability and agreed to forfeit his firearm in return for the State recommending the dismissal of the remaining six counts of the July 2025 indictment. The parties recommended that the trial court impose no higher than a four-year minimum prison term on Hailey's conviction of possession of a fentanyl-related compound. The trial court found Hailey guilty of the charges to which he pleaded guilty in Case Nos. 2025 CR 571 and 2025 CR 1675 and dismissed the remaining counts of the indictments in those cases.

{¶ 11} On November 18, 2025, the trial court sentenced Hailey in the three cases at issue in this appeal. In Case No. 2025 CR 571, the court sentenced Hailey to an indefinite prison sentence of four to six years for possession of a fentanyl-related compound. In Case No. 2025 CR 1675, the court sentenced Hailey to a three-year prison sentence for having weapons while under disability. In Case No. 2024 CR 454, the trial court sentenced Hailey to three years in prison for having weapons while under disability and twelve months in prison for obstructing official business. The trial court ran all of Hailey's prison sentences concurrently with each other for a total prison sentence of four to six years.

{¶ 12} Hailey filed appeals from each of the trial court's judgments.

II. Hailey's Guilty Pleas Were Entered Knowingly, Intelligently, and Voluntarily

{¶ 13} Hailey's first assignment of error states:

THE TRIAL COURT ERRED IN ACCEPTING APPELLANT'S GUILTY PLEAS
AS [THEY WERE] NOT KNOWINGLY, INTELLIGENTLY, AND
VOLUNTARILY MADE.

{¶ 14} When reviewing a plea, "[a]n appellate court must determine whether the record affirmatively demonstrates that a defendant's plea was knowing, intelligent, and voluntary; otherwise, the plea has been obtained in violation of due process and is void." *State v. Russell*, 2012-Ohio-6051, ¶ 7 (2d Dist.), citing *Boykin v. Alabama*, 395 U.S. 238, 243 (1969). "In order for a plea to be given knowingly and voluntarily, the trial court must follow the mandates of Crim.R. 11(C)." *State v. Brown*, 2012-Ohio-199, ¶ 13 (2d Dist.).

{¶ 15} Pursuant to Crim.R. 11(C)(2), the trial court may not accept a defendant's guilty plea to a felony offense without first addressing the defendant personally and doing all the following:

(a) Determining that the defendant is making the plea voluntarily, with understanding of the nature of the charges and of the maximum penalty involved, and if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing.

(b) Informing the defendant of and determining that the defendant understands the effect of the plea of guilty or no contest, and that the court, upon acceptance of the plea, may proceed with judgment and sentence.

(c) Informing the defendant and determining that the defendant understands that by the plea the defendant is waiving the rights to jury trial, to confront witnesses against him or her, to have compulsory process for

obtaining witnesses in the defendant's favor, and to require the state to prove the defendant's guilt beyond a reasonable doubt at a trial at which the defendant cannot be compelled to testify against himself or herself.

Crim.R. 11(C)(2)(a) through (c).

{¶ 16} A defendant is generally “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).” *State v. Dangler*, 2020-Ohio-2765, ¶ 16, citing *State v. Nero*, 56 Ohio St.3d 106, 108 (1990). There are, however, two exceptions to this rule. *Id.* at ¶ 14-16. The first exception concerns the constitutional rights advisement under Crim.R. 11(C)(2)(c). “When a trial court fails to explain the constitutional rights that a defendant waives by pleading guilty or no contest, we presume that the plea was entered involuntarily and unknowingly, and no showing of prejudice is required.” *Id.* at ¶ 14, citing *State v. Clark*, 2008-Ohio-3748, ¶ 31. The second exception applies when a trial court completely fails to comply with a portion of Crim.R. 11(C), as this also “eliminates the defendant’s burden to show prejudice.” *Id.* at ¶ 15, citing *State v. Sarkozy*, 2008-Ohio-509, ¶ 22.

{¶ 17} “Aside from these two exceptions, . . . 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, citing *Nero* at 108. “The test for prejudice is ‘whether the plea would have otherwise been made.’” *Id.*, quoting *Nero* at 108.

{¶ 18} Hailey concedes that the trial court complied with its duty under Crim.R. 11(C) to inform him of his constitutional rights that were being waived. Based on our review of the record, we agree with Hailey that the trial court fully complied with the constitutional rights advisement under Crim.R. 11(C)(2)(c).

{¶ 19} However, Hailey contends that the trial court completely failed to comply with its duty under Crim.R. 11(C) to inform Hailey of some of his non-constitutional rights. We address each of Hailey’s arguments in turn. First, Haley argues that the trial court failed to determine whether he understood the effects of his guilty pleas. A guilty plea is a complete admission of a defendant’s guilt. Crim.R. 11(B)(2). At his plea hearing, Hailey was asked whether he understood that pleading guilty is a complete admission of guilt. Hailey responded, “Yes, sir.” Plea Tr. 11. Therefore, the trial court did not fail to determine whether Hailey understood the effect of his guilty pleas.

{¶ 20} Second, Hailey argues that the trial court failed to fully explain that Hailey’s guilty plea could result in imposition of a prison sentence in Case No. 2024 CR 454. When Hailey was originally sentenced in Case No. 2024 CR 454 to a five-year term of community control sanctions, he was informed that if he violated any community control sanction or law during this five-year period, then the trial court could impose a longer time under the community control sanctions, more restrictive sanctions, or consecutive prison sentences of 36 months on the having weapons under disability conviction and 12 months on the obstructing official business conviction. Further, at his October 30, 2025 plea hearing, the trial court stated, “And by pleading guilty here today, it would be violation of probation, and you could be sentenced for such violation. You understand that, sir?” *Id.* at 6. Hailey responded, “Yes, sir.” *Id.* Therefore, the record establishes that Hailey was informed that his guilty pleas could result in imposition of a prison sentence in Case No. 2024 CR 454.

{¶ 21} Third, Hailey states that the trial court failed to explain that it could proceed with judgment and sentencing after accepting Hailey’s pleas. The trial court is required to inform a defendant that the court, upon acceptance of the plea, may proceed with judgment and sentence. Crim.R. 11(C)(2)(b). At the plea hearing, the trial court stated, in part:

“And you also understand that upon accepting your plea, the Court’s going to proceed to judgment of guilty. And we’re going to come back for sentencing here in two weeks. Do you understand that?” Plea Tr. 11. Hailey answered, “Yes, sir.” *Id.* The record establishes that the trial court complied with Crim.R. 11(C)(2)(b).

{¶ 22} Fourth, Hailey contends that the trial court failed to explain that an agreed sentence was not reviewable on appeal. Hailey does not point to any provision of Crim.R. 11(C) that requires the trial court to inform a defendant prior to accepting a plea that an agreed sentence is not reviewable on appeal. Further, there is nothing in the record that indicates that Hailey was confused about whether he had a right to appeal the imposition of an agreed sentence. Consequently, we cannot conclude that Hailey’s pleas were entered less than knowingly, intelligently, and voluntarily due to a failure to inform him that an agreed sentence was not reviewable on appeal.

{¶ 23} Finally, Hailey argues that the trial court failed to explain the maximum penalties if the court chose to accept the parties’ plea agreement. Hailey notes that he had difficulty understanding what an indefinite sentence is and that the plea form in Case No. 2025 CR 571 indicated a definite prison term rather than an indefinite prison sentence. The plea forms in Case Nos. 2025 CR 571 and 2025 CR 1675 set forth the range of prison terms Hailey could receive for the counts to which he was pleading guilty, including the maximum terms for each count. At his plea hearing, the trial court informed him of the range of sentences he could receive and that the sentences could be concurrent or consecutive. The court also explained how an indefinite sentence works. While Hailey initially expressed some confusion about how an indefinite sentence works, after the trial court provided further explanation, he ultimately stated that he understood how it works. Finally, Hailey had previously received an explanation from the trial court as to the sentences he could receive

in Case No. 2024 CR 454, and at the plea hearing in his other two criminal cases, he was informed that his guilty pleas could result in the imposition of a prison sentence in Case No. 2024 CR 454. Therefore, we conclude that the trial court did not completely fail to inform Hailey of the maximum penalties the court could impose if Hailey entered guilty pleas pursuant to the parties' plea agreement. Further, Hailey has not shown any prejudice in any alleged partial failure by the trial court to explain the maximum penalties Hailey faced.

{¶ 24} Hailey knowingly, intelligently, and voluntarily entered his guilty pleas. The first assignment of error is overruled.

III. Hailey's Agreed Sentences Are Not Reviewable on Appeal

{¶ 25} Hailey's second assignment of error states:

THE TRIAL COURT ERRED IN SENTENCING APPELLANT TO A
CONCURRENT TERM OF FOUR TO SIX YEARS AS NOT SUPPORTIVE BY
THE RECORD AND EXCESSIVE.

{¶ 26} In reviewing felony sentences, appellate courts must apply the standard of review set forth in R.C. 2953.08(G)(2). *State v. Marcum*, 2016-Ohio-1002, ¶ 22. Under this statute, an appellate court may increase, reduce, or otherwise modify a sentence, or it may vacate the sentence and remand for resentencing, only if it "clearly and convincingly" finds either: (1) that the record does not support certain specified findings or (2) that the sentence imposed is otherwise contrary to law. R.C. 2953.08(G)(2).

{¶ 27} Hailey concedes that agreed sentences generally are not reviewable on appeal and that the prison sentence he received fell within the sentencing ranges authorized by statute. Despite these concessions, Hailey contends that the indefinite sentence he received is not supported by the record and is excessive, because the trial court failed to take into consideration his completion of the Monday program and other conditions of his

probation, his youth, and his willingness to get better. Hailey concludes that he should have received an indefinite prison sentence of two to three years instead of four to six years.

{¶ 28} At the plea hearing, the State explained to the trial court the terms of the plea agreement. The trial court imposed a sentence in the range that the parties recommended. “A sentence imposed upon a defendant is not subject to review under [R.C. 2953.08] if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.” R.C. 2953.08(D)(1). We have reviewed the sentences imposed by the trial court. The sentences fall within the acceptable ranges provided by statute and are not contrary to law. Further, the sentences imposed by the trial court were within the range jointly recommended by the parties. Accordingly, we cannot reverse the sentences imposed by the trial court. R.C. 2953.08(D)(1).

{¶ 29} The second assignment of error is overruled.

IV. Conclusion

{¶ 30} Having overruled the assignments of error, the judgments of the trial court are affirmed.

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TUCKER, J., and EPLEY, J., concur.