

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

STATE OF OHIO

Appellee

v.

BRANT JOSEPH ANDERSON

Appellant

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C.A. No. 2025-CA-32

Trial Court Case No. 2025 CR 093

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 28, 2026, the judgment of the trial court is 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,



MARY K. HUFFMAN, JUDGE

EPLEY, J., and HANSEMAN, J., concur.

OPINION
CHAMPAIGN C.A. No. 2025-CA-32

ADAM J. ARNOLD, Attorney for Appellant
SAMANTHA B. WHETHERHOLT, Attorney for Appellee

HUFFMAN, J.

{¶ 1} Brant Joseph Anderson appeals from his judgment entry of conviction on one count each of illegal conveyance of drugs of abuse onto grounds of a specified governmental facility (“illegal conveyance”) and aggravated possession of drugs. For the following reasons, the judgment of the trial court is affirmed.

I. Facts and Procedural History

{¶ 2} Anderson brought fentanyl into the jail in Champaign County. For that, on September 3, 2025, he was indicted on six counts of illegal conveyance, two counts of possession of a fentanyl-related compound, and four counts of aggravated possession of drugs. On December 1, 2025, in exchange for his guilty pleas to one count each of illegal conveyance and aggravated possession of drugs, the remaining charges were dismissed. The parties waived a pre-sentence investigation, and the court proceeded to sentencing, imposing 36 months for illegal conveyance and 12 months for aggravated possession of drugs to be served concurrently. Anderson timely appealed.

II. Assignments of Error and Analysis

Guilty Pleas

{¶ 3} Anderson raises two assignments of errors. For ease of analysis, we initially consider his second assignment of error. Anderson claims that his guilty plea was not knowing, intelligent, and voluntary, because the trial court failed to comply with Crim.R. 11. He argues that while the court asked him if he had taken any drugs, alcohol, or prescription

medications, the court “failed to inquire whether [Anderson’s] substance-use disorder or possible withdrawal affected [his] comprehension at the time of the plea, despite later sentencing discussion focusing on his addiction.” Anderson acknowledges that the trial court advised him of his constitutional rights, but he argues that this court “should scrutinize whether the court’s advisement and [his] responses demonstrate an actual knowing waiver rather than mere acquiescence.”

{¶ 4} Anderson directs our attention to an exchange in which the court asked him if he had charges pending elsewhere. Anderson responded that he was out on bond on charges in Kentucky, and defense counsel then corrected Anderson and informed the court that Anderson had yet to make an appearance in the Kentucky matter. According to Anderson, the exchange “shows a fundamental misunderstanding of the legal process by [him] at the time of pleading and indicates he merely acquiesced to the trial court’s statements.” He claims that the misapprehension “should have alerted the court to the need for further inquiry,” and that Crim.R. 11 “requires a record demonstrating understanding.” Finally, Anderson argues that “[w]here the record is arguably thin on probing comprehension, given the disclosed pending felony matters and addiction context, the plea should not be upheld.”

{¶ 5} “Due process requires that a defendant’s plea be made knowingly, intelligently, and voluntarily; otherwise, the defendant’s plea is invalid.” *State v. Bishop*, 2018-Ohio-5132, ¶ 10, citing *State v. Clark*, 2008-Ohio-3748, ¶ 25. Crim.R. 11(C) governs pleas of guilty in felony cases, and a “trial court’s compliance with Crim.R. 11(C) ensures that a plea comports with due process.” *State v. Perdue*, 2022-Ohio-722, ¶ 10 (2d Dist.).

{¶ 6} “Crim.R.11(C)(2)(c) requires that a defendant be advised of certain constitutional rights, and strict compliance with this part of the rule is required.” *State v.*

Jackson, 2021-Ohio-4336, ¶ 7 (2d Dist.), citing *State v. Thompson*, 2020-Ohio-211, ¶ 5 (2d Dist.). “Where a trial court fails to strictly comply with Crim.R. 11(C)(2)(c), the defendant’s plea should be deemed invalid on appeal.” *Id.*

{¶ 7} Crim.R. 11(C)(2)(a) requires that a trial court ascertain whether a defendant is “making the plea voluntarily,” and Crim.R. 11(C)(2)(b) requires that the court ascertain that the defendant understands “the effect of the plea of guilty.” These parts of the rule relate to nonconstitutional issues, and the “defendant must affirmatively show prejudice to invalidate the plea where the trial court fails to comply fully with Crim.R. 11(C)(2)(a)-(b).” *Jackson* at ¶ 8, quoting *State v. Dangler*, 2020-Ohio-2765, ¶ 14. To demonstrate prejudice resulting from partial noncompliance with Crim.R. 11(C)(2)(a) and (b), the defendant must show that he “would [not] have otherwise entered the plea.” *Id.*, citing *Thompson* at ¶ 5. If, however, a trial court completely fails to comply with Crim.R. 11(C)(2)(a) and (b), the defendant’s plea should be invalidated on appeal, and a showing of prejudice is not required. *Id.*, citing *Dangler* at ¶ 14.

{¶ 8} Crim.R. 11 does not require a trial court to establish a factual basis before accepting a guilty plea to a felony charge. *State v. Matthews*, 2020-Ohio-1286, ¶ 9, fn.1 (8th Dist.). “A guilty plea admits the facts set forth in the indictment, not the [underlying] facts set forth at the plea hearing.” *State v. Riddle*, 2017-Ohio-1199, ¶ 34 (2d Dist.), quoting *State v. Greathouse*, 2004-Ohio-3402, ¶ 8 (2d Dist.). “Pleading guilty is ‘an admission of every material fact well pleaded in the indictment, dispensing with the necessity of proving them, and authorizing the court to proceed to judgment.’” *Id.*, quoting *Greathouse* at ¶ 7.

{¶ 9} “Drug addiction, or a tendency toward it, ipso facto, has never been found to be the equivalent of a mental illness sufficient for a court to find that a guilty plea was not knowingly and intelligently made.” *State v. Hendree*, 1975 WL 180557, *2 (9th Dist. May 21,

1975). “The issue is whether [the defendant] is so intoxicated with, or influenced by drugs, at the time of his plea, that he is unable to knowingly and intelligently waive his rights and enter a guilty plea.” *Id.*

{¶ 10} At the start of the plea hearing, Anderson indicated that he agreed to plead guilty to one count each of illegal conveyance and aggravated possession of drugs and to waive a pre-sentence investigation. He advised the court that he was not under the influence of alcohol or any illegal substance and that he had not taken any prescription medications.

{¶ 11} The court advised Anderson that it would ask him a series of questions “to make sure what you are doing is [done] knowingly, intelligently, and voluntarily.” The court emphasized that Anderson could ask any questions if he did not understand the proceedings or speak to defense counsel at any time. Anderson indicated that he reviewed his discovery packet with counsel and had sufficient time to do so. He stated that counsel did everything asked of him and there was nothing more he wanted counsel to do. Anderson advised the court that he believed he received enough information to decide whether his plea was knowing, intelligent, and voluntary, and that he had confidence in defense counsel.

{¶ 12} As Anderson asserts, in response to the court’s questions, he stated that he had been indicted in Kentucky for “[j]ust a felony-five theft,” and that he was out on bond. After defense counsel stated that Anderson had not yet made an initial appearance, the court asked, “So you’ve been charged, but you haven’t gone down there to answer to it?” Anderson responded, “Right. Yeah.” He then advised the court that he was not on probation, parole, or post-release control, and that he had served time in prison three times, having last done so in 2023.

{¶ 13} Anderson acknowledged his understanding that if he were to be sentenced in Champaign County first, “Kentucky has to decide whether their sentence is added to or run

at the same time as the Champaign County sentence.” The court ascertained Anderson’s understanding that the court was not required to follow any sentencing recommendations by the State, defense counsel, or Anderson. The court advised Anderson regarding community control and the consequences of a community control violation. The court also explained post-release control and the consequences of the commission of a felony while on post-release control.

{¶ 14} Anderson indicated that he understood what he was doing, that he acted of his own free will, that he understood the nature of the charges against him, and that a guilty plea was a complete admission of guilt. He stated that he understood the potential maximum penalties for his offenses and that he could be sentenced upon acceptance of his guilty pleas.

{¶ 15} The record fails to reveal any suggestion that Anderson’s comprehension was compromised due to his “substance use disorder” or any withdrawal symptoms during the plea hearing. This is especially so given the court’s repeated inquiries to ascertain his understanding of the proceedings and the affirmative answers he provided. Anderson’s addiction was not equivalent to a mental illness that could have endangered the knowing, intelligent, and voluntary nature of his plea, and the court did not have a duty to inquire further. Put differently, the fundamental misunderstanding of the legal process that Anderson claims is not demonstrated. Rather, the transcript supports a conclusion that he merely misspoke about being out on bond in Kentucky, and he agreed with defense counsel’s subsequent statement that he had not yet appeared there. Significantly, Anderson has prior experience with judicial proceedings. He was advised of his constitutional rights, and the court fully complied with Crim.R. 11(C)(2)(a)-(b). Anderson’s guilty pleas were entered as a result of bargaining with the State, and 10 additional charges were dismissed. The court was

able to observe Anderson and found him to be possessed of his faculties and aware of his rights. Anderson's pleas were knowing, intelligent, and voluntary. His second assignment of error is accordingly overruled.

Sentencing

{¶ 16} In his first assignment of error, Anderson claims that the trial court erred “by improperly relying on non-statutory considerations when sentencing him.” He specifically asserts that the “sentencing colloquy centered on protecting the jail population from the spread of contraband and overdoses,” which is “inconsistent with the requirement that the court properly apply statutory guidelines.” According to Anderson, “the court’s repeated focus on local values and its role as the ‘de facto supervisor of criminal activity at the jail’ suggests the sentence was driven by local institutional concerns *rather than* by the statutory principles as required.” He claims that the court’s sentence is contrary to law, and the matter should be remanded for a new sentencing hearing consistent with R.C. 2929.11 and 2929.12.

{¶ 17} “The trial court has full discretion to impose any sentence within the authorized statutory range, and the court is not required to make any findings or give its reasons for imposing maximum or more than minimum sentences.” *State v. King*, 2013-Ohio-2021, ¶ 45 (2d Dist.), citing *State v. Foster*, 2006-Ohio-856, paragraph seven of the syllabus. However, a trial court must consider the statutory criteria that apply to every felony offense, including those set out in R.C. 2929.11 and 2929.12. *State v. Leopard*, 2011-Ohio-3864, ¶ 11 (2d Dist.), citing *State v. Mathis*, 2006-Ohio-855, ¶ 38.

{¶ 18} The overriding purposes of felony sentencing are set forth in R.C. 2929.11, which states:

(A) A court that sentences an offender for a felony shall be guided by the overriding purposes of felony sentencing. The overriding purposes of felony sentencing are to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources. To achieve those purposes, the sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.

(B) A sentence imposed for a felony shall be reasonably calculated to achieve the three overriding purposes of felony sentencing set forth in division (A) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar crimes committed by similar offenders.

{¶ 19} R.C. 2929.12 addresses several factors to be considered when imposing a sentence under R.C. 2929.11. The statute provides:

Unless otherwise required by section 2929.13 or 2929.14 of the Revised Code, a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

R.C. 2929.12(A).

{¶ 20} “R.C. 2929.12(B) through (F) then set out factors for the court to consider relating to matters such as the seriousness of the offender’s conduct, the likelihood of the offender’s recidivism, and the offender’s service in the armed forces of the United States, if any.” *State v. Jones*, 2020-Ohio-6729, ¶ 19. The trial court may also consider “any other factors that are relevant to achieving those purposes and principles of sentencing.” R.C. 2929.12(A). “[N]either R.C. 2929.11 nor 2929.12 requires a trial court to make any specific factual findings on the record.” *Jones* at ¶ 20, citing *State v. Wilson*, 2011-Ohio-2669, ¶ 31, and *State v. Arnett*, 88 Ohio St.3d 208, 215 (2000).

{¶ 21} When reviewing felony sentences, we must apply the standard of review set forth in R.C. 2953.08(G). *State v. Worthen*, 2021-Ohio-2788, ¶ 13 (2d Dist.). Under that statute, an appellate court may increase, reduce, or modify a sentence, or vacate it altogether and remand for resentencing, if it “‘clearly and convincingly’ finds either (1) the record does not support certain specified findings or (2) that the sentence imposed is contrary to law.” *Id.* However, the Supreme Court of Ohio has observed that R.C. 2953.08(G)(2)(b) “‘does not provide a basis for an appellate court to modify or vacate a sentence based on its view that the sentence is not supported by the record under R.C. 2929.11 and 2929.12.’” *Id.* at ¶ 14, quoting *Jones* at ¶ 39. Thus, when we review a felony sentence imposed after considering the factors in R.C. 2929.11 and 2929.12, we do not examine whether the sentence is unsupported by the record. *Id.*, quoting *State v. McDaniel*, 2021-Ohio-1519, ¶ 11 (2d Dist.). Rather, we simply determine whether the sentence is contrary to law. *Id.*, quoting *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.). A sentence is contrary to law when it falls outside the statutory range for the offense or if the sentencing court does not consider R.C. 2929.11 and 2929.12. *Dorsey* at ¶ 18, quoting *State v. Brown*, 2017-Ohio-8416, ¶ 74 (2d Dist.).

{¶ 22} This court has evaluated a trial court's consideration of the safety of a jail population under circumstances similar to those in this case. In *State v. Moten*, 2019-Ohio-1473 (2d Dist.), the trial court, in imposing a maximum sentence for illegal conveyance, expressly noted that Moten was trying to take drugs into the Clark County Jail, where inmates had previously overdosed, and the court indicated it was familiar with at least one inmate death after drugs were smuggled into the jail. *Id.* at ¶ 39. This court affirmed the sentence without finding that the consideration was improper. In *State v. Guerrero Sanchez*, 2017-Ohio-8185 (2d Dist.), this court held that it was not inappropriate for the trial court to consider the harm that fentanyl inflicted on the community when imposing a maximum sentence. *Id.* at ¶ 64.

{¶ 23} At disposition, the court advised Anderson that his offenses were “pretty serious,” and since “the jail, back in 1995, was built in Champaign County this Court has become the de facto supervisor of criminal activity out there.” The court noted that the jail often holds inmates from other counties, but that “this Court is looking at sentencing outcomes from Champaign County eyes. Not Union or Madison County eyes.” The court advised Anderson it “can see why a Columbus Court or Marysville Court would want to promote treatment. And this Court believes in treatment too.” It further indicated, “But I also have a responsibility for the health and safety of the jail [inmates]” The court advised Anderson, “[W]e’ve had instances where one person brings something into the jail and then it spreads like wildfire. And we’ve had multiple . . . overdoses.” The court stated:

And so in discussing this, the thing that I want to get across to you is, number one, even though you were brought into the jail on a London charge and even though you had responsibilities to the Madison County Court system, your

crime was committed in Champaign County in our jail with our values, local values, and our responsibilities to the local citizenry.

{¶ 24} The court advised Anderson that, beyond detention, the jail was also utilized to provide mental health treatment services to inmates, and “what makes your crime so egregious isn’t the fact that you were addicted to drugs.” The court noted that Anderson’s criminal record reflected his struggle with addiction for the last eight years, stating it “is the fact that your conduct posed a risk to the health and safety to the jail population.” The court indicated that, “by the very nature of that jail being located in Champaign County, [it] has had to see and treat and address a number of overdoses. And people who bring drugs into jail go to prison as a general rule.” It was significant to the court that Anderson brought fentanyl into the jail as opposed to marijuana, stating, “I don’t know how I can look past that and reasonabl[y] say that is okay and we’re going to give you a chance at community control.” The court stated that, notwithstanding his drug addiction, “[Y]ou’ve got to recognize that the Court has a responsibility to protect the occupants of the jail.” Anderson acknowledged his understanding of the court’s remarks. The court then indicated that, in imposing sentence, it had considered and applied the purposes and principles of sentencing in R.C. 2929.11, as well as the seriousness of Anderson’s conduct, likelihood of recidivism, and lack of military service.

{¶ 25} As this court has previously observed, R.C. 2929.12(A) authorizes trial courts to look beyond the listed factors when relevant circumstances, as here, exist. The trial court’s concern for the safety of the local jail population is not inconsistent with the statutory guidelines. That population is uniquely captive and vulnerable, as well as part of the Champaign County community. While the court spoke of a general sentencing rule, Anderson’s sentence was individualized and specific to him. The court stated that it had

considered the statutory purposes of felony sentencing and the seriousness and recidivism factors under R.C. 2929.11 and 2929.12. Anderson's sentence is not contrary to law, and his first assignment of error is overruled.

III. Conclusion

{¶ 26} Anderson's guilty pleas were knowing, intelligent, and voluntary, and his sentence is not contrary to law. The judgment of the trial court is affirmed.

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EPLEY, J., and HANSEMAN, J., concur.