

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

STATE OF OHIO

Appellee

v.

SARAH L. SHACKLE

Appellant

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C.A. No. 2026-CA-8

Trial Court Case No. 2025 CR 084

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

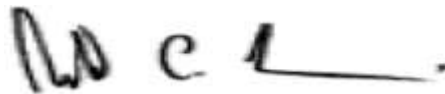
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Pursuant to the opinion of this court rendered on October 23, 2026, the judgment of the trial court is affirmed.

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,



RONALD C. LEWIS, PRESIDING JUDGE

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

OPINION
CHAMPAIGN C.A. No. 2026-CA-8

JACOB S. SEIDL, Attorney for Appellant
BENJAMIN T. HOSKINSON, Attorney for Appellee

LEWIS, P.J.

{¶ 1} Defendant-appellant Sarah L. Shackle appeals from her convictions in the Champaign County Common Pleas Court following her guilty pleas. For the following reasons, we affirm the judgment of the trial court.

I. Course of Proceedings

{¶ 2} On September 3, 2025, a Champaign County grand jury indicted Shackle on the following counts: (1) aggravated trafficking in drugs (methamphetamine) in violation of R.C. 2925.03(A)(1), a second-degree felony; (2) aggravated trafficking in drugs (methamphetamine) in violation of R.C. 2925.03(A)(1), a third-degree felony; (3) aggravated trafficking in drugs (methamphetamine) in violation of R.C. 2925.03(A)(1), a second-degree felony; (4) aggravated trafficking in drugs (methamphetamine) in violation of R.C. 2925.03(A)(2), a first-degree felony; (5) trafficking in cocaine in violation of R.C. 2925.03(A)(2), a fourth-degree felony; (6) aggravated trafficking in drugs (methamphetamine) in violation of R.C. 2925.03(A)(2), a second-degree felony; (7) aggravated possession of drugs (Adderall) in violation of R.C. 2925.11(A), a fifth-degree felony; and (8) endangering children in violation of R.C. 2919.22(A), a first-degree misdemeanor. The indictment alleged that the criminal acts involved in Counts One through Three occurred between June 1, 2025, and July 31, 2025, while the criminal acts involved in Counts Four through Eight occurred on August 7, 2025.

{¶ 3} On September 25, 2025, the Champaign County Common Pleas Court issued a journal entry relating to Shackle’s initial arraignment. According to the entry, the court, “upon questioning, determined that Defendant is indigent.” The court appointed defense counsel to represent Shackle. Shackle pleaded not guilty to the charges in the indictment. A jury trial was scheduled for January 13, 2026.

{¶ 4} In October and November 2025 journal entries, the trial court noted several bond violations allegedly committed by Shackle when she tested positive for illicit drugs and failed to appear at required appointments. Shackle also failed to appear at the final pretrial conference. Therefore, the trial court issued a capias for Shackle’s arrest.

{¶ 5} On December 18, 2025, the court received correspondence from Shackle in which she requested new counsel. The next day, the court granted Shackle’s request for new counsel and vacated the January 2026 trial date. On December 25, 2025, the court appointed Shackle’s new counsel. Shackle admitted the bond violation allegations, and the trial court found her guilty of violating her bond. The jury trial was rescheduled to February 3, 2026.

{¶ 6} On January 20, 2026, following a pretrial conference, the court issued a journal entry explaining that counsel for the parties had requested a plea hearing. The trial court vacated the trial date and proceeded with a plea hearing. Shackle entered guilty pleas to the following offenses: Count One, aggravated trafficking in drugs in violation of R.C. 2925.03(A)(1), a second-degree felony; Count Six, aggravated trafficking in drugs in violation of R.C. 2925.03(A)(2), a second-degree felony; and Count Eight, endangering children in violation of R.C. 2919.22(A), a first-degree misdemeanor. In exchange for these guilty pleas, the State agreed to request dismissal of the remaining counts of the indictment and to request a pre-sentence investigation report (“PSI”). Shackle also agreed to forfeit

certain property and to pay court costs “and any Court-appointed legal fees that may be imposed.” Plea Tr. 3.

{¶ 7} The trial court conducted a plea colloquy with Shackle and accepted her guilty pleas. The trial court found Shackle guilty of the three counts to which she pleaded guilty, dismissed the remaining counts of the indictment, ordered the preparation of a PSI, and scheduled a sentencing hearing. On February 11, 2026, Shackle filed her sentencing memorandum, arguing that “[a] shorter term of imprisonment followed by judicial release to a lock down residential treatment program” would help her to break her cycle of trauma, addiction, and criminal behavior. On that same day, Shackle filed a financial disclosure form in which she stated she had no monthly income, no assets, and \$760 in monthly expenses.

{¶ 8} The trial court held a sentencing hearing on February 23, 2026. The trial court sentenced Shackle to 8 to 12 years in prison on Count One, 3 to 4½ years in prison on Count Six, and 180 days in jail on Count Eight. The court ordered the sentences on Counts One and Six to be served consecutively to each other but concurrently with the sentence on Count Eight, for a total prison term of 11 to 15 years, as provided by R.C. 2929.144(B)(2). The court found Shackle employable and imposed fines of \$5,000 on Counts One and Six and \$1,000 on Count Eight. The court concluded, “The fines imposed in Counts One and Six are **CONCURRENT** to one another but are **CONSECUTIVE** to the fine imposed in Count Eight, making a **TOTAL FINE OF \$6,000.00.**” (Emphasis in original.)

{¶ 9} Shackle filed a timely notice of appeal.

II. The Record Does Not Show Shackle Was Prejudiced by Her Counsel's Failure to File an Affidavit of Indigency Pursuant to R.C. 2929.18(B)(1)

{¶ 10} Shackle's first assignment of error states:

Trial counsel rendered ineffective assistance, in violation of the Sixth Amendment to the United States Constitution and Section 10, Article 1 of the Ohio Constitution, by failing to file an affidavit of indigency prior to sentencing pursuant to R.C. 2929.18(B)(1).

{¶ 11} Shackle was convicted of two second-degree felony offenses under R.C. Chapter 2925. Pursuant to R.C. 2929.18(B)(1), the trial court was required to impose on Shackle "a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section." But R.C. 2929.18(B)(1) also provides that an offender may file an affidavit with the sentencing court prior to sentencing stating that the offender "is indigent and unable to pay the mandatory fine." *Id.* If an offender files such an affidavit and the court determines that the offender is an indigent person and is unable to pay the mandatory fine, then "the court shall not impose the mandatory fine upon the offender." *Id.*

{¶ 12} Shackle's trial counsel did not file an R.C. 2929.18(B)(1) affidavit of indigency. Shackle argues on appeal that her trial counsel rendered ineffective assistance of counsel by failing to file an R.C. 2929.18(B)(1) affidavit of indigency before the sentencing entry was journalized. According to Shackle, there was, at a minimum, a reasonable probability that the trial court would have found her indigent and waived the mandatory portion of the fine if her counsel had filed an affidavit of indigency.

{¶ 13} The State responds that the record is clear that any error allegedly made by trial counsel in failing to file an affidavit of indigency did not prejudice Shackle. According to

the State, the trial court considered Shackle's current and future ability to pay before imposing the mandatory fines, including the information in the PSI regarding Shackle's health, employability, employment history, education, age, assets, and liabilities.

{¶ 14} “In order to prevail on an ineffective-assistance-of-counsel claim, a defendant must prove that counsel's performance was deficient and that the defendant was prejudiced by counsel's deficient performance.” *State v. Davis*, 2020-Ohio-309, ¶ 10, citing *State v. Bradley*, 42 Ohio St.3d 136, 141-142 (1989), and *Strickland v. Washington*, 466 U.S. 668, 687 (1984). “Thus, the defendant must demonstrate that counsel's performance fell below an objective standard of reasonableness and that there exists a reasonable probability that, but for counsel's error, the result of the proceeding would have been different.” *Id.*, citing *Bradley* at paragraphs two and three of the syllabus. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Bradley* at 142, quoting *Strickland* at 694. “The failure to file an affidavit of indigency may constitute ineffective assistance of counsel if the record shows a reasonable probability that, had the affidavit been filed, the court would have found the defendant indigent and relieved him of the obligation to pay the mandatory fine.” *State v. Fultz*, 2019-Ohio-2593, ¶ 20 (2d Dist.), citing *State v. Sheffield*, 2004-Ohio-3099 (2d Dist.).

{¶ 15} Although it is undisputed that Shackle was deemed indigent for the purpose of receiving appointed counsel, “a finding of indigency for purposes of retaining counsel is a separate and distinct process from finding a defendant indigent for purposes of paying an imposed mandatory fine.” *State v. Stevens*, 2023-Ohio-3510, ¶ 9 (2d Dist.), quoting *State v. Stearns*, 1997 WL 626024, *2 (8th Dist. Oct. 9, 1997). “This is because ‘the payment of a mandatory fine over a period of time is not equivalent to the immediate need for legal representation at the initiation of criminal proceedings.’” *Id.*, quoting *State v. Powell*,

78 Ohio App.3d 784, 790 (3d Dist. 1992). Therefore, “[a] finding that a defendant is indigent for purposes of appointed counsel does not shield the defendant from paying court costs or a financial sanction.” *State v. Felder*, 2006 Ohio-2330, ¶ 64 (2d Dist.), citing *State v. Ayers*, 2005-Ohio-44, ¶ 23 (2d Dist.).

{¶ 16} Also, to the extent that Shackle’s ineffective assistance claim is founded on facts outside the record on appeal, the proper vehicle to raise such a claim is a petition for post-conviction relief pursuant to R.C. 2953.21, not a direct appeal to this court. See *State v. Howard*, 2007-Ohio-3582, ¶ 14 (2d Dist.). Nevertheless, when reviewing the evidence that is within the confines of the appellate record, we conclude that Shackle’s ineffective assistance claim lacks merit, because the record does not establish a reasonable probability that the trial court would have found Shackle indigent and waived the fine had an affidavit of indigency been filed. Specifically, the information in Shackle’s PSI report regarding Shackle’s age, health, education, and employment history makes it unlikely that the trial court would have found her indigent for purposes of waiving the mandatory fines if Shackle’s counsel had filed an affidavit of indigency.

{¶ 17} The PSI showed that Shackle had been employed at various jobs between 2007 and 2024. She worked between 30 and 40 hours weekly at these jobs, earning between \$10 and \$18 per hour. The PSI also reflected that Shackle was in fair physical health. While the PSI discussed Shackle’s mental health, it noted that Shackle could not provide much insight into her mental health treatment or diagnoses. Further, the PSI did not reveal any physical or mental limitations that precluded Shackle from future employment. The trial court considered the evidence in the record, including the PSI, and found that Shackle was employable. The trial court noted that Shackle was 36 years old at the time of sentencing, was a high school graduate, was unemployed because of her drug use, and

had no assets. The trial court also stated that it had considered Shackle's present and future ability to pay before deciding to impose financial sanctions.

{¶ 18} The record evidence does not establish that there was a reasonable probability that the trial court would have found Shackle indigent and waived the mandatory fines if Shackle's counsel had filed an affidavit of indigency. Therefore, on the record before us, Shackle cannot establish that she was prejudiced by her trial counsel's failure to file an affidavit of indigency prior to sentencing. Without a showing of prejudice, Shackle's ineffective assistance of counsel claim must fail.

{¶ 19} The first assignment of error is overruled.

III. The Trial Court's Consecutive Sentence Findings Are Supported by the Record

{¶ 20} Shackle's second assignment of error states:

The trial court erred in imposing consecutive sentences pursuant to R.C. 2929.14(C)(4) where the record clearly and convincingly does not support the trial court's findings.

{¶ 21} 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, ¶ 21. Under that 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) the record does not support certain specified findings (including those in R.C. 2929.14(C)(4), which concern the imposition of consecutive sentences); or (2) the sentence imposed is otherwise contrary to law. *Id.* at ¶ 9, citing R.C. 2953.08(G)(2). "Clear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required

‘beyond a reasonable doubt’ in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.” *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus. Shackle does not argue that her sentences are contrary to law. Rather, she contends that the trial court’s findings under R.C. 2929.14(C)(4)(b) and (c) are not supported by the record. Therefore, we limit our analysis to that argument.

{¶ 22} “Ohio law presumes that a defendant convicted of multiple crimes will serve his sentences concurrently.” *State v. Glover*, 2024-Ohio-5195, ¶ 38, citing R.C. 2929.41(A). A trial court may, however, impose consecutive sentences when the law specifically permits it to do so, such as under the exception provided in R.C. 2929.14(C)(4). *Id.*, citing R.C. 2929.41(A). Under R.C. 2929.14(C)(4), to impose consecutive sentences, the trial court must find that (1) “the consecutive service is necessary to protect the public from future crime or to punish the offender”; (2) “consecutive sentences are not disproportionate to the seriousness of the offender’s conduct and to the danger the offender poses to the public”; and (3) any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, 2929.18 of the Revised Code, or was under post-release control for a prior offense;

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender’s conduct;

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

R.C. 2929.14(C)(4)(a) through (c).

{¶ 23} At the sentencing hearing, the trial court made the necessary findings under R.C. 2929.14(C)(4) that consecutive sentencing was necessary to protect the public from future crime or to punish the defendant and that consecutive sentences were not disproportionate to the seriousness of Shackle's conduct and the danger that Shackle posed to the public. The court also found that Shackle's history of criminal conduct demonstrated that consecutive sentences were necessary to protect the public from future crime by Shackle. R.C. 2929.14(C)(4)(c). Moreover, the court found that two of the multiple offenses were committed as part of one or more courses of conduct and that the harm caused by two or more of the multiple offenses was so great or unusual that no single prison term for any of the offenses committed adequately reflected the seriousness of Shackle's conduct. R.C. 2929.14(C)(4)(b). As part of its finding under R.C. 2929.14(C)(4)(b), the trial court noted that Shackle committed two second-degree felony trafficking offenses in separate and adjacent counties. In its written sentencing entry, the trial court memorialized the consecutive sentence findings that it made at the sentencing hearing.

{¶ 24} Shackle argues that the trial court's findings under R.C. 2929.14(C)(4)(b) and (c) were based on "a single factual predicate" that Counts One and Six were committed in separate and adjacent counties. Appellant's Brief, p. 10, citing Sentencing Tr. 35-36. According to Shackle, "[t]he trial court's overall sentencing analysis was inextricably bound up with the unsupported 'separate counties' rationale." *Id.* at 12. Shackle asks us to

vacate the consecutive component of her sentence and modify the sentence to reflect concurrent service of her prison terms.

{¶ 25} The State responds that even if there was an error in the trial court's findings under R.C. 2929.14(C)(4)(b), the trial court's consecutive sentence determination was supported by its finding under R.C. 2929.14(C)(4)(c). Therefore, the trial court's consecutive sentence determination should be affirmed. Appellee's Brief, p. 19, citing *State v. Butler*, 2026-Ohio-2560, ¶ 15 (3d Dist.).

{¶ 26} Based on our review of the record, we cannot clearly and convincingly find that the record does not support the trial court's consecutive sentence finding under R.C. 2929.14(C)(4)(c). Rather, the record supports the trial court's finding under R.C. 2929.14(C)(4)(c) that Shackle's criminal history demonstrated that consecutive sentences were necessary to protect the public from future harm. The PSI showed a criminal history that began with a criminal mischief offense in 2006 when Shackle was a juvenile. As an adult, she committed a fourth-degree felony theft offense in 2019, a first-degree misdemeanor unauthorized use of a motor vehicle offense in 2019, and a fifth-degree felony theft offense in 2020. After serving 30 months in prison, she was indicted in 2025 in Champaign County on seven felony offenses and one first-degree misdemeanor offense. While that case was pending, she was charged with a second-degree misdemeanor obstructing official business offense in Clark County Municipal Court. According to the PSI, she received a high score on the community supervision risk assessment. The trial court noted that Shackle's continued behavior "project[ed] an unwillingness to subject herself to treatment and a continued path of destruction, not only for people in her immediate vicinity, but the general public as well through her trafficking behavior." Sentencing Tr. 13.

Shackle's history of criminal conduct demonstrated that consecutive sentences were necessary to protect the public from future crime by Shackle. R.C. 2929.14(C)(4)(c).

{¶ 27} We disagree with Shackle's contention that the trial court's finding under R.C. 2929.14(C)(4)(c) was tainted or "inextricably bound up" with its finding under R.C. 2929.14(C)(4)(b). The trial court made it clear in its sentencing entry that its R.C. 2929.14(C)(4)(c) determination did not rely on any finding that Shackle committed crimes in separate and adjacent counties. Rather, the court limited the separate and adjacent counties finding to its R.C. 2929.14(C)(4)(b) determination. Since the trial court's finding under R.C. 2929.14(C)(4)(c) was sufficient to support consecutive sentences, any alleged error relating to the court's finding under R.C. 2929.14(C)(4)(b) is harmless.

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

IV. Shackle Has Failed to Show The Trial Court Committed Plain Error by Not Merging Counts One and Six

{¶ 29} Shackle's third assignment of error states:

The trial court erred in failing to merge Counts One and Six as allied offenses of similar import pursuant to R.C. 2941.25.

{¶ 30} R.C. 2941.25 codifies the judicial doctrine of merger and provides:

(A) Where the same conduct by defendant can be construed to constitute two or more allied offenses of similar import, the indictment or information may contain counts for all such offenses, but the defendant may be convicted of only one.

(B) Where the defendant's conduct constitutes two or more offenses of dissimilar import, or where his conduct results in two or more offenses of the same or similar kind committed separately or with a separate animus as to

each, the indictment or information may contain counts for all such offenses, and the defendant may be convicted of all of them.

{¶ 31} When determining whether offenses are allied offenses of similar import, courts must ask the following three questions when defendant's conduct supports multiple offenses: “(1) Were the offenses dissimilar in import or significance? (2) Were they committed separately? and (3) Were they committed with separate animus or motivation?” *State v. Earley*, 2015-Ohio-4615, ¶ 12, quoting *State v. Ruff*, 2015-Ohio-995, ¶ 31. “An affirmative answer to any of the above will permit separate convictions. The conduct, the animus, and the import must all be considered.” *Id.*, quoting *Ruff* at ¶ 31. “[T]wo or more offenses of dissimilar import exist within the meaning of R.C. 2941.25(B) when the defendant's conduct constitutes offenses involving separate victims or if the harm that results from each offense is separate and identifiable.” *Ruff* at ¶ 23.

{¶ 32} Shackle argues that “[t]he State's express theory at sentencing was that Counts One and Six arose from a single trafficking enterprise.” Appellant's Brief, p. 13. According to Shackle, where multiple drug offenses arise from a single trafficking enterprise, the harm is unitary. *Id.* Shackle also contends that the temporal gap between controlled buys (June 1 – July 31, 2025) and the August 7 search of a storage unit does not establish separate commission of the crimes. Rather, a trafficker's possession of inventory and her discrete sales transactions from that inventory are not “committed separately in any meaningful sense.” *Id.* at 14.

{¶ 33} The State responds that the offenses in Counts One and Six of the indictment “were unquestionably committed separately, on different dates, in different locations, by different conduct, and with a separate animus.” Appellee's Brief, p. 12. The State notes that Count One involved Shackle selling methamphetamine to a confidential informant

between June 1 and July 31, 2025, whereas Count Six concerned methamphetamine found in Shackle's storage unit on August 7, 2025. The State contends that Shackle's "animus in selling methamphetamine in count one was to sell that specific quantity in a separate, identifiable sale to that individual and is distinct from Appellant's animus and conduct in obtaining or maintaining a separate stockpile of methamphetamine at a later date in a separate location for later sale." *Id.* at 13.

{¶ 34} Count One of the indictment involved a violation of R.C. 2925.03(A)(1), which prohibits selling or offering to sell "a controlled substance or a controlled substance analog." Count Six of the indictment involved a violation of R.C. 2925.03(A)(2), which prohibits preparing for shipment, shipping, transporting, delivering, preparing for distribution, or distributing "a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person."

{¶ 35} The PSI explained that Shackle and another individual were the subjects of an ongoing drug investigation by the Champaign County Sheriff's Office and the Urbana Police Division in 2025. In June and July 2025, law enforcement used a confidential informant to conduct multiple controlled drug buys of methamphetamine from Shackle in Champaign County. These controlled drug buys led to Counts One Through Three of the September 3, 2025 indictment.

{¶ 36} The PSI also explained that a search warrant was served in Champaign County on August 7, 2025, relating to an ongoing drug investigation involving Shackle. During a search of Shackle's 2015 Chevy Malibu, Deputy Fischer of the Champaign County Sheriff's Department located baggies containing methamphetamine. Shackle advised Detective Fischer at that time that more drugs could be located in her storage unit in Clark

County. Detective Fischer transported Shackle to the storage unit and collected evidence of the illicit drugs. The searches conducted on August 7, 2025, led to Counts 4 through 8 of the September 3, 2025 indictment.

{¶ 37} Shackle's conviction of Count 3 for aggravated trafficking in drugs in violation of R.C. 2925.03(A)(1) involved the sale of methamphetamine to a confidential informant in June or July 2025. This offense involved an animus and motivation separate from her conviction of Count 6 for aggravated trafficking in drugs in violation of R.C. 2925.03(A)(2), which involved her preparing methamphetamine for distribution in August 2025 with the intent to sell it in the future.

{¶ 38} Based on our review of the record, we conclude that the trial court did not err in refusing to merge Shackle's conviction of Count One for the sale of illicit drugs to a confidential informant in June and July 2025 with her conviction of Count Six for the preparation of illicit drugs in August 2025 with the intent to sell them in the future. *See State v. Bradley*, 2015-Ohio-5421, ¶ 40 (8th Dist.) ("Because [defendant's] act of selling cocaine to the [confidential informant] during the buy-bust operation was committed separately from the 'preparation' or 'transportation' of cocaine and heroin with the intent to sell, [the drug trafficking conviction under R.C. 2925.03(A)(1)] does not merge with the remaining trafficking counts [under R.C. 2925.03(A)(2)].").

{¶ 39} The third assignment of error is overruled.

V. Shackle Has Failed to Establish that Her Guilty Pleas Were Less Than Knowing, Intelligent, and Voluntary

{¶ 40} Shackle's fourth assignment of error states:

Appellant's guilty plea to Count Six was not knowingly, intelligently, and voluntarily entered, in violation of Crim.R. 11(C)(2)(a) and the Due Process

Clauses of the United States and Ohio Constitutions.

{¶ 41} 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.).

{¶ 42} 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).

{¶ 43} 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. “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.

{¶ 44} Shackle argues that the record from the sentencing hearing establishes that “no participant in the plea proceeding understood Count Six as the State conceived it.” Appellant’s Brief, p. 16. Shackle notes that the indictment stated that the conduct involved in Count Six “concerns methamphetamine recovered from a storage unit rented in Sarah L. Shackle’s name.” *Id.*, quoting Count 6 of the indictment. According to Shackle, “[a]t no point in the colloquy was Clark County identified as the location of the storage unit. At no point did the court ask Shackle whether she understood that Count Six was predicated on Clark County conduct.” *Id.* Shackle contends that “[w]here the trial court and defense counsel both demonstrably misunderstood the State’s theory of Count Six, the inference that

Shackle understood it is untenable.” *Id.* at 17. Shackle argues that the trial court’s failure to address the conduct charged in Count Six of the indictment triggers a presumption of prejudice and that she would have understood the plea bargain very differently if she had known that the State was charging her in Champaign County for conduct that allegedly occurred in Clark County.

{¶ 45} Based on our review of the record, we conclude that Shackle’s guilty pleas were entered knowingly, intelligently, and voluntarily. Notably, Shackle does not argue that the trial court failed to inform her of any of her constitutional rights in Crim.R. 11(C)(2)(c). Rather, she contends that the trial court failed to inform her of the nature of the charges under Crim.R. 11(C)(2)(a). Shackle signed a plea form that stated, in part: “I understand the nature of these charges and the possible defenses I might have.” Shackle also stated at the plea hearing that she understood the nature of the charges against her. Plea Tr. 21. Before accepting Shackle’s guilty pleas, the trial court read the language in Counts One and Six of the indictment to her. The indictment tracked the language of the statutes and contained allegations sufficient to allege the two counts of aggravated trafficking in drugs that Shackle contests on appeal. These facts establish that Shackle understood the nature of the charges against her. See *State v. Dobbs*, 2010-Ohio-3649, ¶ 47 (2d Dist.)

{¶ 46} Given the information the trial court provided to Shackle at the plea colloquy, she cannot establish a total failure to inform her of the nature of the charges against her. Therefore, to have her guilty pleas vacated, she must establish prejudice. To establish prejudice in this context, the record must show that Shackle would not have pleaded guilty to Count Six of the indictment if she had understood the nature of the charges against her.

{¶ 47} Shackle relies solely on statements made by the prosecutor, the trial court, and her defense counsel at the sentencing hearing to support her argument that she would

not have pleaded guilty if she had understood the nature of the charges against her. These statements involved the fact that Count Six of the indictment was based on illicit drugs found in Shackle's storage unit in Clark County. The statements at the sentencing hearing were consistent with the information contained in the PSI relating to Shackle's confession to Detective Fischer that she had drugs in a storage unit in Clark County. Notably, there is no evidence in the record that Shackle had a storage unit in some other county that contained drugs or that she was confused about what storage unit was referenced in Count Six of the indictment. Further, Shackle did not file a motion to withdraw her guilty plea after hearing these statements at the sentencing hearing. Finally, nothing stated at the sentencing hearing pointed to the fact that Shackle believed she was innocent of the charges contained in Count Six of the indictment or that she would not have pleaded guilty if she understood that Count Six of the indictment involved some of her conduct in Clark County rather than solely her conduct in Champaign County.

{¶ 48} In sum, the statements made by the trial court, the prosecutor, and defense counsel at the sentencing hearing do not change the fact that the plea colloquy and the plea form established that Shackle entered her guilty pleas knowingly, voluntarily, and intelligently one month earlier. See *State v. Delp*, 2017-Ohio-8879, ¶ 17 (8th Dist.) (“We cannot say that counsel’s misstatement during the sentencing hearing affected the knowing, voluntary, and intelligent nature of the guilty plea that appellant entered more than one month earlier.”); *State v. Evans*, 2014-Ohio-768, ¶ 19 (12th Dist.) (“Statements made at the sentencing hearing do not reveal that at the time of the plea [the defendant] did not knowingly, intelligently, and voluntarily enter his guilty plea.”).

{¶ 49} The fourth assignment of error is overruled.

VI. Conclusion

{¶ 50} Having overruled the assignments of error, we affirm the judgment of the trial court.

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