[Cite as *State v. Knox*, 2026-Ohio-4310.]

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

STATE OF OHIO	:	
	:	C.A. No. 30784
Appellee	:	
	:	Trial Court Case No. 2024 CR 03266/1
v.	:	
	:	(Criminal Appeal from Common Pleas
KYLE KNOX	:	Court)
	:	
Appellant	:	**FINAL JUDGMENT ENTRY & OPINION**

. . . . . .

Pursuant to the opinion of this court rendered on October 30, 2026, the judgment of the trial court is affirmed in part and reversed in part, and the matter is remanded for further proceedings consistent with the opinion.

Costs to be paid as follows: 50% by the appellee and 50% by the appellant.

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,



CHRISTOPHER B. EPLEY, JUDGE

LEWIS, P.J., and HUFFMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30784

CHRISTOPHER BAZELEY, Attorney for Appellant
MICHAEL P. ALLEN, Attorney for Appellee

EPLEY, J.

{¶ 1} Kyle Knox appeals from the judgment of the Montgomery County Common Pleas Court imposing an aggregate sentence of 40 to 45.5 years in prison, following his guilty plea to multiple counts of endangering children and aggravated arson and one count of strangulation. Knox asserts that the trial court improperly sentenced him to a term that exceeded the sentencing range included in his plea agreement, resulting in his plea being entered unknowingly. Additionally, Knox contends that the trial court failed to properly advise him at sentencing of the possible penalties he could face for failing to comply with the terms of his post-release control. The State concedes error as to the advisements regarding the terms of Knox's post-release control.

{¶ 2} For the following reasons, the trial court's judgment is reversed in part, and the matter is remanded for the sole purpose of notifying Knox of the penalties for violating post-release control. In all other respects, the judgment is affirmed.

I. Facts and Procedural History

{¶ 3} On November 27, 2024, Knox was indicted on four counts of endangering children—the "A-indictment." Approximately one month later, Knox was re-indicted on 98 additional counts of endangering children, seven counts of aggravated arson, and one count of strangulation—the "B-indictment." On January 23, 2026, Knox pled guilty to all the counts except for one count of endangering children, which the State dismissed. As part of his plea,

Knox agreed to an aggregate sentence of 25 to 40 years, which would include a term of post-release control.

{¶ 4} Knox was sentenced on February 24, 2026. On the A-indictment, Knox was sentenced to 8 to 12 years in prison on Count I, 5 to 7.5 years on Count II, 8 to 12 years on Count III, and 36 months on Count IV. The trial court further ordered each sentence to run concurrently with each other and, except for Count II, with the sentences imposed on the B-indictment; Count II was to run consecutively to the counts in the B-indictment. On the B-indictment, Knox was sentenced to 36 months on each count of endangering children (torture), to run concurrently with each other and all other counts; 8 to 12 years on each count of endangering children (sexual matter), to run concurrently to each other but consecutively to the remaining counts in the B-indictment; 8 to 12 years on each count of endangering children (serious physical harm), to run concurrently with each other but consecutively to the remaining counts in the B-indictment; 11 to 16.5 years on each count of aggravated arson, to run concurrently to each other but consecutively to the remaining counts of the B-indictment; and 8 to 12 years on the count of strangulation, to run consecutively with the other counts in the B-indictment. Knox's aggregate sentence was 40-45 years in prison. Additionally, Knox was declared a Tier II sex offender and an arson offender.

{¶ 5} Knox appeals the trial court's judgment, raising two assignments of error.

II. Appellate Review

A. Knox's Plea

{¶ 6} In his first assignment of error, Knox asserts that the trial court erred by failing to advise him that his sentence could be extended beyond the 40-year maximum sentence

included in his plea agreement. Accordingly, he contends that his guilty plea was not made knowingly, intelligently, or voluntarily.

{¶ 7} When entering a guilty plea in a criminal case, the defendant must make the plea knowingly, intelligently, and voluntarily. *State v. Dixon*, 2015-Ohio-5487, ¶ 9 (2d Dist.). "'To ensure that pleas conform to these high standards, the trial judge must engage the defendant in a colloquy before accepting his or her plea,' and trial courts 'are bound by the requirements of Crim.R. 11(C)(2).'" *Id.*, quoting *State v. Clark*, 2008-Ohio-3748, ¶ 26-27.

{¶ 8} Pursuant to Crim.R. 11(C)(2), the trial court is required to "(a) determine that the defendant is making the plea voluntarily, with an understanding of the nature of the charges and the maximum penalty, and, if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions; (b) inform the defendant of and determine that the defendant understands the effect of the plea of guilty and that the court, upon acceptance of the plea, may proceed to sentencing; and (c) inform the defendant and determine that he understands that, by entering the plea, the defendant is waiving the rights to a jury trial, to confront witnesses against him, to have compulsory process for obtaining witnesses, and to require the state to prove his guilt beyond a reasonable doubt at a trial at which he cannot be compelled to testify against himself." *State v. Brown*, 2007-Ohio-6675, ¶ 3 (2d Dist.). "Where constitutional rights, like the right to a jury trial or the right to compulsory process to obtain witnesses, are involved trial courts must strictly comply with Crim.R. 11(C)(2)." *Dixon* at ¶ 11.

{¶ 9} The Ohio Supreme Court has "stressed that '[l]iteral compliance with Crim.R. 11, in all respects, remains preferable to inexact plea hearing recitations.'" *State v. Fontanez*, 2026-Ohio-3281, ¶ 23, quoting *State v. Griggs*, 2004-Ohio-4415, ¶ 19. The Court has "emphasize[d] that exact compliance with Crim.R. 11 is the best practice to ensure that

pleas are entered knowingly, intelligently, and voluntarily." *Id.* "However, inexact compliance does not always render a plea *not* knowing, intelligent, or voluntary." (Emphasis in original.) *Id.*

{¶ 10} "Although a court must provide the defendant with the information set forth in Crim.R. 11, [the Ohio Supreme Court has] not required verbatim recitation of the colloquy." *Id.* at ¶ 24. "Rather, [the] focus has been 'on whether the dialogue between the court and the defendant demonstrates that the defendant understood the consequences of his plea.'" *Id.*, quoting *State v. Dangler*, 2020-Ohio-2765, ¶ 12. "A defendant wishing to vacate his or her plea must also typically show prejudice by the trial court's omission of any part of the Crim.R. 11 colloquy." *Id.* The test for whether a defendant has suffered such prejudice remains "'whether the plea would have otherwise been made.'" *Id.*, quoting *State v. Nero*, 56 Ohio St.3d 106, 108 (1990).

{¶ 11} Knox contends that his guilty plea was not made knowingly because he agreed to a combined sentence of 25 to 40 years under his plea agreement, but the trial court failed to advise him that the maximum sentence could be extended under the Reagan Tokes Act. However, during Knox's plea colloquy, the trial court advised him of the following:

> THE COURT: All right. Now, I want to pause for a minute, because there are some things I want to go over with you. All right.
>
> Mr. Knox, for the felonies of the first and the second degree, those carry with them what is called an indeterminate portion of your sentence. Okay.
>
> THE DEFENDANT: M-hum.
>
> THE COURT: And what that means is this, for the felony of the first degree, you could be sentenced to a prison term of between 3 and 11 years on that count. And for felonies of the second degree, you could be sentenced

to a prison term of between two and eight years on those counts. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Whatever you['re] sentence[d] to of those ranges that I just gave you is called your determined sentence. It's a determinate sentence. You'll know what it is, but whatever sentence you are given, one half of that sentence will be added to the end. That is called the indeterminate part of your sentence.

So let me give you an example. Okay. Whether it's a felony of the first degree or second degree one carries 3 to 11 years for the felony of the first degree. The other carries two to eight years for the felonies of the second degree. But let me give you my example. If you were sentenced to a prison term of four years on one of those counts, half of four is two. That two-year portion would be added to the end. So your sentence would be four to six years on that particular count. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: But here's what that means. Again, I'm giving you this as a fact scenario. What that means is that [at] the conclusion of that four-year prison sentence, you would be released from prison. But you understand, I'm just giving you this as a fact scenario. Your plea is to 25 to 40 years. Okay?

But under my fact scenario, the idea is, is that you would be released from prison at the conclusion of your four-year prison sentence, because you know that that's your definite prison term.

Tr. at 85-87.

{¶ 12} The trial court went on to advise Knox regarding his indeterminate sentence under the Reagan Tokes Act, stating:

> THE COURT: . . . The indeterminate portion is determined like this.
>
> So it's called a rebuttable presumption that you will be released from prison at the conclusion of that four-year prison sentence under my scenario. However, because it's a rebuttable presumption, the Department of Rehabilitation and Corrections can rebut that presumption if, at a hearing held pursuant to 2967.271, the Department of Rehabilitation and Corrections makes specified determinations regarding the offender's conduct while confined, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification.
>
> And if at that described hearing, the Department of Rehabilitation and Corrections makes the specified determination and rebuts the presumption, they may maintain or keep the offender's incarceration after the expiration of that minimum term, or that presumptive earned early release date for the length of time the Department of Rehabilitation and Corrections determines to be reasonable, subject to the limitations specified in 2967.271.
>
> The Department may make the specified determinations and may maintain the offender's incarceration under the provisions described in Divisions B(2), C(1), and 2 of this section, more than one time, subject to the limitations specified in 2967.271. But if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

So what that means is, under my scenario that I gave you, you would presume to be released at four years. Okay?

THE DEFENDANT: M-hum.

THE COURT: But if they hold a hearing and make those certain specified determinations, they could keep you an additional 2 years, but no longer than that. Do you understand that?

THE DEFENDANT: Correct. Yes.

THE COURT: Okay. So for those sentences or those charges that are felonies of the first degree, every one of those will come with it an indeterminate part of your sentence. I don't know what that will be yet because I have not sentenced you. But I want to make sure that you understand whatever you're given, half of that will be added to the end. Do you understand that? Did you say you do?

THE DEFENDANT: I do. Yes.

Tr. at 86-88.

{¶ 13} It is clear from the record that the trial court properly advised Knox that, although it is rebuttably presumed that he will be released after serving the minimum prison term, the Department of Rehabilitation and Correction ("DRC") may rebut that presumption owing to Knox's conduct while incarcerated. Further, the trial court advised Knox that even if the DRC successfully rebuts the presumption and extends his sentence, he cannot be held beyond the expiration of the maximum prison term. Knox indicated repeatedly that he understood the trial court's advisements. Additionally, Knox did not raise any issue with the applicability of the Reagan Tokes Law to his first- and second-degree felony charges. Nor is there anything in the record to suggest that he was hesitant to enter his plea after being

advised of the Reagan Tokes Law or that he would have declined to enter a guilty plea if the trial court had explained the law differently.

{¶ 14} Knox's first assignment of error is overruled.

B. Post-Release Control

{¶ 15} In his second assignment of error, Knox asserts that the trial court failed to properly advise him at sentencing of the potential penalties he could face for failing to comply with the terms of his post-release control. The State agrees and contends that the case should be remanded for the sole purpose of providing Knox proper advisements regarding his post-release control sanctions. After reviewing the sentencing hearing, we likewise agree with the parties that the trial court improperly advised Knox of the penalties for violating post-release control.

{¶ 16} Knox's second assignment of error is sustained.

III. Conclusion

{¶ 17} The trial court's judgment is reversed in part, and the matter is remanded for the sole purpose of notifying Knox of the penalties for violating post-release control. In all other respects, the judgment is affirmed.

. . . . . .

LEWIS, P.J., and HUFFMAN, J., concur.