

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

STATE OF OHIO, :
 :
Plaintiff-Appellee, : Case No. 25CA22
 :
v. :
 :
RYAN L. HILES, : DECISION & JUDGMENT ENTRY
 :
Defendant-Appellant. :

APPEARANCES:

Christopher Pagan, Middletown, Ohio, for appellant.¹

Jeffrey C. Marks, Ross County Prosecuting Attorney, and Alisa Turner, Ross County Assistant Prosecuting Attorney, Chillicothe, Ohio, for appellee.

CRIMINAL APPEAL FROM COMMON PLEAS COURT
DATE JOURNALIZED: 7-15-26
ABELE, J.

{¶1} This is an appeal from a Ross County Common Pleas Court judgment of conviction and sentence. Ryan Hiles, defendant below and appellant herein, raises the following assignment of error for review:

“THE CONVICTION WAS VOID BECAUSE HILES NEVER TENDERED A GUILTY PLEA ON THE RECORD FOR THE TRIAL COURT TO ACCEPT AND PROCEED TO JUDGMENT.”

{¶2} In November 2024, a Ross County Grand Jury returned an

¹ Different counsel represented appellant during the trial court proceedings.

indictment that charged appellant with one count of aggravated possession of drugs in violation of R.C. 2925.11, a fifth-degree felony. Appellant entered a not guilty plea.

{¶3} At appellant's June 2, 2025 combined change of plea and sentencing hearing, the trial court conducted a Crim.R. 11 colloquy, advised appellant of his rights and the effects of his decision to plead guilty, reviewed the facts and charges, the signed plea form, the parties jointly recommended sentence, and asked appellant if any drugs, alcohol, or mind-altering substances influenced him. The court reviewed the charge and stated: "You're charged in the indictment with aggravated possession of drugs. The elements of that are that you did knowingly obtain, possess, and use methamphetamine, a Schedule II controlled substance." Appellant indicated that he understood the allegations in the indictment. He further acknowledged that he understood his plea's implications.

{¶4} The trial court advised appellant of the constitutional rights he waived with his plea, including (1) the right to a jury trial, (2) the right to confront one's accusers, (3) the right to compulsory process to obtain witnesses, (4) the right to require appellee to prove guilt beyond a reasonable doubt, and (5) the privilege against compulsory self-incrimination. The court also explained the maximum penalties. The court then noted, "I've been given a two-page plea agreement that looks

like it was signed by you and your attorney." Appellant acknowledged that he read and signed the agreement, his satisfaction with counsel's advice, and that he wished to enter a guilty plea.

{¶5} During the sentencing portion of the combined hearing, after providing appellant the right of allocution and considering the record, oral statements, the R.C. 2911.11 purposes and principles of sentencing, and the R.C. 2911.12 seriousness and recidivism factors, the trial court concluded that appellant is amenable to community control. Thus, the court sentenced appellant to (1) serve a 2-year community control term with 12 months reserved, (2) serve 3 days in jail with credit for 3 days served, (3) serve a 2-year basic supervision term, (4) submit to all program requirements, (5) perform 200 community service hours within 12 months, and (6) pay costs. This appeal followed.

I.

{¶6} In his sole assignment of error, appellant asserts that his conviction is void because the trial court entered a judgment of conviction and sentenced him without first accepting a plea. In particular, appellant contends that he did not tender his plea on the record, and thus, no basis exists for his conviction. Appellee, however, argues that, even if this court determines that appellant's oral plea on the record is

inadequate, appellant's signed written guilty plea suffices.²

{¶7} "When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily." *State v. Engle*, 74 Ohio St.3d 525, 527 (1996). "Failure on any one of those points renders enforcement of the plea unconstitutional under both the United States Constitution and the Ohio Constitution." *Id.*; *State v. Dangler*, 2020-Ohio-2765, ¶ 10. "Ohio's Crim.R. 11 outlines the procedures that trial courts are to follow when accepting pleas" to " 'ensur[e] an adequate record on review by requiring the trial court to personally inform the defendant of his rights and the consequences of his plea and determine if the plea is understandingly and voluntarily made.' " (Citation omitted.) *Dangler* at ¶ 11; *State v. Nero*, 56 Ohio St.3d 106, 107 (1990). Thus, if a defendant did not knowingly, intelligently, and voluntarily enter a plea, enforcement of that plea is unconstitutional. *State v. Leib*, 2024-Ohio-1081, ¶ 13 (4th Dist.). In general, appellate courts apply a de novo standard of review when evaluating a plea's compliance with Crim.R.

²As a threshold issue, we note that appellee contends that appellant has no right to appeal his negotiated sentence pursuant to R.C. 2953.08(D)(1): "A sentence imposed upon a defendant is not subject to review under this section 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." However, because appellant challenges his plea, not his sentence, we review the merits.

11(C).³ Nero at 108-109. Moreover, and important to our analysis in the present case, a written waiver form signed by the accused constitutes strong evidence of a valid waiver. *State v. Clark*, 38 Ohio St.3d 252, 261 (1988); *State v. Earl*, 2024-Ohio-5682, ¶ 8 (4th Dist.).

{¶8} Appellant argues that the record does not reflect that he entered a plea; thus, no plea existed for the trial court to accept, and no basis exists for his conviction. However, because appellant failed to raise this issue in the trial court, he has waived all but plain error. See *State v. Brooks*, 2024-Ohio-420, ¶ 29 (4th Dist.), citing *State v. Cooper*, 2023-Ohio-2100, ¶ 13 (3d Dist.); *State v. Buffington*, 2025-Ohio-2575, ¶ 10 (4th Dist.) (defendant waived all but plain error when he failed to raise his failure to enter a plea in the trial court).

{¶9} To establish plain error under Crim.R. 52(B), the party claiming error must establish: (1) that an error, i.e., a deviation from a legal rule, occurred; (2) that the error constituted an “obvious” defect in the trial proceedings; and (3) that this obvious error affected substantial rights, i.e., the error must have affected the outcome of the trial. *State v. Morgan*, 2017-Ohio-7565, ¶ 36. Consequently, appellant must

³ As appellee points out, appellant cites *State v. Brinkman*, 2021-Ohio-2473, for the proposition that “the failure to tender a plea on the record is reviewed under a de novo standard,” citing ¶ 12. Although this is an improper citation, we nevertheless note that the standard of review is correct.

demonstrate a reasonable probability exists that, but for the trial court's error, the outcome of the proceeding would have been otherwise. *State v. West*, 2022-Ohio-1556, ¶ 35-36. Under the plain error standard, "the defendant bears the burden to show 'that but for a plain or obvious error, the outcome of the proceeding would have been otherwise, and reversal must be necessary to correct a manifest miscarriage of justice.'" *West* at ¶ 22, quoting *State v. Quarterman*, 2014-Ohio-4034.

{¶10} Crim.R. 11 outlines the trial court procedures to accept a plea, and " 'ensures an adequate record on review by requiring the trial court to personally inform the defendant of his rights and the consequences of his plea and determine if the plea is understandingly and voluntarily made.'" *Dangler* at ¶ 11, quoting *State v. Stone*, 43 Ohio St.2d 163, 168 (1975). In our analysis, we first observe that Crim.R. 11(A) does not require a defendant to enter an oral plea of guilty. See *State v. Straley*, 2009-Ohio-6170, ¶ 11 (4th Dist). Instead, Crim.R. 11(A) provides:

A defendant may plead not guilty, not guilty by reason of insanity, guilty or, with the consent of the court, no contest. A plea of not guilty by reason of insanity shall be made in writing by either the defendant or the defendant's attorney. All other pleas may be made orally.

{¶11} In *Straley*, we noted Crim.R. 11(A)'s use of the word "may" as opposed to "shall," and concluded that when the

defendant did not enter an oral guilty plea to one count of the indictment but did enter a written guilty plea to that count of the indictment, the trial court possessed the authority to accept appellant's written guilty plea as long as it complied with Crim.R. 11(C). *Id.* at ¶ 11. Crim.R. 11(C)(2) provides:

In felony cases, the court may refuse to accept a plea of guilty or a plea of no contest, and shall not accept a plea of guilty or no contest without first addressing the defendant personally and doing all of 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.

{¶12} In *Straley*, the defendant signed the written guilty plea before the plea and sentencing hearing, so we considered whether the trial court complied with Crim.R. 11(C) before accepting Stray's written guilty plea. *Id.* at ¶ 17. We concluded that *Straley* expressed willingness to comply with the

written plea agreement in his statements. Thus, we determined that Straley acknowledged his written guilty pleas after the trial court complied with Crim.R. 11(C). *Id.* at ¶ 21.

{¶13} Appellant contends that several cases support his argument that his conviction must be vacated because he did not orally tender a plea. First, appellant cites *City of Cleveland v. Chappell*, 2017-Ohio-4070 (8th Dist.). In *Chappell*, the court concluded that, although the trial court fulfilled its Crim.R. 11 obligations, the defendant did not tender a formal plea. Because the record did not reflect that appellant “expressly tendered a plea of no contest, there was no plea for the trial court to accept, and consequently no basis for the judgment of conviction.” *Id.* at ¶ 15. However, the key distinction between *Chappell* and the case at bar is that in *Chappell*, the court observed that “the record does not contain a signed writing reflecting an expressed plea.” *Id.* at ¶ 13. In the case sub judice, the record does contain a signed plea agreement.

{¶14} In addition, appellant relies on *State v. Keltner*, 2024-Ohio-2017 (12th Dist.), in which the court concluded that the defendant did not enter a guilty plea. The trial court informed Keltner of the amount of jail time she could receive, advised her that a guilty plea is an admission of guilt, and Keltner stated that she understood the advisements. However, the Twelfth District concluded that the record did not reflect

that Keltner tendered a guilty plea. *Id.* at ¶ 8. Again, by contrast, as appellee points out in the case sub judice, in addition to the written guilty plea, appellant verbally affirmed that he withdrew his not guilty plea and entered a guilty plea.

{¶15} Appellant next cites *City of Cleveland v. O'Donnell*, 2018-Ohio-390 (8th Dist.) in support. The trial court engaged O'Donnell in the Crim.R. 11 colloquy and asked, "did you want to plead no contest?" O'Donnell replied, "Yes, I believe so." The court then asked, "do you wish to plead no contest, understanding the rights that you give up in order to plead no contest?" O'Donnell said, "Yes, I do." ¶ 16. The Eighth District concluded that the trial court did not phrase the question in the present, unconditional tense. Thus, the court determined that it is not clear whether O'Donnell responded affirmatively because he wished to plead no contest, understood the rights he would be giving up by pleading no contest, or both. *Id.* at ¶ 17. Thus, the court concluded that because O'Donnell "did not affirmatively state that he was pleading 'no contest,' he did not formally tender a no contest plea. *Id.* at ¶ 17. The court also pointed out that various statements O'Donnell made during the colloquy called into question his understanding of the effect of his no-contest plea, or that he "was admitting to the truth of the facts in the complaint." *Id.* at ¶ 19. Again, we note that *O'Donnell* did not specify whether

a written plea existed and *O'Donnell* also quoted the admonition that a criminal defendant must either enter a plea "by signing a writing reflecting an express plea, or orally, either by saying, affirmatively, that he is pleading 'no contest,' or by responding affirmatively to the trial court's question, 'are you pleading no contest,' phrased in the present unconditional tense." *O'Donnell, supra*, at ¶ 14, citing *Chappell* at ¶ 10, quoting *State v. Singleton*, 2006-Ohio-6314, ¶ 71 (2d Dist.).

{¶16} Finally, appellant cites *State v. Muhire*, 2023-Ohio-1181 (12th Dist.). In *Muhire*, the plea colloquy reflected that Muhire's responses were inaudible or indiscernible. Thus, the appellate court could not be certain as to which charge appellant attempted to plead to and noted that the trial court did not advise Muhire that a no-contest plea was not an admission of guilt or that it could not be used against him in any subsequent civil or criminal proceeding. *Id.* at ¶ 14. The court further observed that the case raised multiple due process concerns. *Id.* at ¶ 15.

{¶17} Again, unlike the case at bar, the *Muhire* court made no mention of whether a written plea existed. However, in *State v. Wood*, 2025-Ohio-2273 (12th Dist.), the same court distinguished *Muhire*:

Muhire differs from this case in that neither Muhire personally nor his counsel entered a no contest plea, written or oral, and the record indicated that Muhire,

defense counsel, the state, and the trial court all did not understand what charge Muhire was pleading to. *Id.* at ¶ 15. As a result, in that case, Muhire's plea was not knowingly, intelligently, or voluntarily entered. *Id.* In this case, the record is clear that a no contest plea was entered by counsel on Wood's behalf after the trial court engaged in a full Crim.R. 11 colloquy with Wood personally, and Wood stated that she understood. Additionally, her attorney provided the trial court with her signed written Waiver and Plea Agreement which stated she was pleading no contest to the charges.

Id. at ¶ 36.

{¶18} Thus, the Twelfth District again underscored the importance of the written plea agreement. Similarly, in *Buffington, supra*, 2025-Ohio-2575, we concluded that the record did not reflect that the trial court advised Buffington of the effect of his no-contest plea, nor did it reflect that appellant expressly tendered a no-contest plea. Moreover, we noted that the case record did not contain a signed plea agreement. Thus, we concluded that no plea existed for the trial court to accept, and no basis existed for the judgment of conviction. *Id.* at ¶ 25. In our analysis, we cited *Singleton, supra*, 2006-Ohio-6314. Singleton intended to enter a no-contest plea to two housing code violations and the parties left the hearing "under the impression that a no-contest plea had been tendered." *Singleton* at ¶ 71. However, the record did not reflect that Singleton ever expressly entered a no-contest plea at the hearing. *Id.* The *Singleton* court held:

The tendering of a plea of no contest or of guilty has substantial consequences to a criminal defendant. For that reason, we are not prepared to recognize an implied plea. In our view, an implied plea would be inconsistent with the requirement in Crim.R. 11(A) that “[a]ll other pleas [besides a plea of not guilty by reason of insanity] may be made orally.” In our view, to effectuate the tendering of a no-contest plea, a criminal defendant must do so by either signing a writing reflecting an express plea, or orally, either by saying, affirmatively, that he is pleading ‘no contest’ or by responding affirmatively to the trial court’s question, ‘are you pleading no contest,’ phrased in the present tense, indicative mood. *Id.* at ¶ 71.

{¶19} After our decision in *Buffington, supra*, 2025-Ohio-2575, the First District considered *State v. Boddy*, 2026-Ohio-1264 (1st Dist.). Boddy argued that the court must vacate his convictions because he did not orally enter no-contest pleas. *Id.* at ¶ 13. Relying on *Buffington, et al.*, Boddy asserted that his pleas were not knowing, voluntary, and intelligent because he did not enter his pleas upon the record. *Id.* The First District, however, found *Buffington, Keltner, supra*, 2024-Ohio-2017, and *Muhire, supra*, 2023-Ohio-1181, inapposite “because none of the defendants filed a written plea.” *Id.* at ¶ 14. Accordingly, the First District affirmed the trial court’s judgment. *Id.* at ¶ 35.

{¶20} Similarly, in the case sub judice, although appellant contends that he did not enter an oral plea of guilty, he did enter a written plea of guilty. Both appellant and his attorney signed the document entitled “PLEA OF GUILTY.” The document

stated, "I withdraw my former not guilty plea and enter a plea of GUILTY to the offense of aggravated possession of drugs R.C. 2925.11, F-5." The document further stated, "I understand the nature of these charges and the possible defense I might have. . . By pleading guilty, I admit committing the offense and will tell the court the facts and circumstances of my guilt. . . I enter this plea voluntarily."

{¶21} Appellant and his attorney signed the Plea of Guilty before the plea and sentencing hearing on June 2, 2025. At that hearing, the trial court engaged in a full Crim.R. 11 colloquy, and after the colloquy, appellant entered his guilty plea. The trial court asked, "Are you certain you want to proceed today and change your plea to guilty?" Appellant replied, "Yes." Thus, although appellant may not have stated, "I plead guilty," he did acknowledge his intention to plead guilty, the trial court engaged in a full plea colloquy, and the record contains appellant's signed plea form.

{¶22} After our review, we conclude that appellant provides no authority to establish that a defendant must under all circumstances enter a guilty plea orally. Although appellant cites Crim.R. 11, that rule generally requires a knowing, intelligent, and voluntary plea. It does not require that a plea be entered orally rather than in writing. See *State v. Suttles*, 2010-Ohio-846, ¶ 11 (2d Dist.) (pursuant to Crim.R. 11,

the fact that a simple guilty plea *may* be made orally implies that it also *may* be made in writing, and we see no reason why it cannot). Thus, after complying with Crim.R. 11(C), the trial court had the authority to accept appellant's written plea of guilty. As such, no error exists, plain or otherwise.

{¶23} Accordingly, for all of the foregoing reasons, we overrule appellant's assignment of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Ross County Common Pleas Court to carry this judgment into execution.

If a stay of execution of sentence and release upon bail has been previously granted by the trial court or this court, it is temporarily continued for a period not to exceed 60 days upon the bail previously posted. The purpose of a continued stay is to allow appellant to file with the Supreme Court of Ohio an application for a stay during the pendency of proceedings in that court. If a stay is continued by this entry, it will terminate at the earlier of the expiration of the 60-day period, or the failure of the appellant to file a notice of appeal with the Supreme Court of Ohio in the 45-day appeal period set forth in the Rules of Practice of the Supreme Court of Ohio. Additionally, if the Supreme Court of Ohio dismisses the appeal prior to expiration of 60 days, the stay will terminate as of the date of such dismissal.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Hess, J. & Wilkin, J.: Concur in Judgment & Opinion

For the Court

BY: _____
Peter B. Abele, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 22, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.