[Cite as *State v. Walker*, 2026-Ohio-4384.]

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

STATE OF OHIO,	:	
	:	Case Nos. 25CA1234
Plaintiff-Appellee,	:	25CA1235
	:	25CA1236
v.	:	25CA1237
	:	
JEREMIAH WALKER,	:	DECISION AND JUDGMENT
	:	ENTRY
Defendant-Appellant.	:	
	:	**RELEASED: 10/29/2026**

APPEARANCES:

Brian T. Goldberg, Cincinnati, Ohio, for appellant.

Ariana D. Norris, Adams County Prosecuting Attorney, West Union, Ohio, for appellee.

Wilkin, J.

{¶1} This is an appeal arising from four consolidated Adams County Court of Common Pleas judgment entries in which Jeremiah Walker ("Walker") was convicted of one count of nonsupport of dependents, and three felony counts of failure to appear. On appeal, Walker assigns one error--that the trial court erred to his prejudice by accepting a plea of guilty that was not made knowingly, voluntarily, and intelligently. After reviewing the parties' arguments, the record, and the applicable law, we find his sole assignment of error to have merit in that his plea was not made knowingly, voluntarily, or intelligently and must be vacated. Accordingly, we sustain Walker's sole assignment of error, reverse the trial court's judgment entries, and remand this matter to the trial court for further proceedings.

BACKGROUND

{¶2} On March 14, 2023, an Adams County grand jury returned an indictment charging Walker with one count of nonsupport of dependents in violation of R.C. 2919.21(B)(1)(a), a fifth-degree felony. On February 6, 2024, the grand jury returned an indictment charging him with a single count of failure to appear in violation of R.C. 2937.29 and 2937.99(A), a fourth-degree felony. Then, pursuant to an indictment filed May 20, 2024, Walker was again indicted with one count of failure to appear in violation of R.C. 2937.29 and 2937.99(A), a fourth-degree felony. Pursuant to indictment filed October 25, 2025, the grand jury returned an indictment charging Walker with three additional counts of failure to appear, in violation of R.C. 2937.29 and 2937.99(A), all fourth-degree felonies.

{¶3} On February 20, 2025, the trial court held a change of plea hearing on all four cases. At that time, Walker entered pleas to one count of fifth-degree felony nonsupport of dependents and three counts of fourth-degree felony failure to appear. Counts two and three of the indictment filed October 25, 2025, were dismissed pursuant to the plea agreement.

{¶4} The trial court held a sentencing hearing on November 4, 2025. At that time, the trial court imposed a prison sentence of 11 months for criminal nonsupport, 15 months for failure to appear, 11 months for failure to appear, and 15 months for failure to appear. The prison sentence for nonsupport of dependents of 11 months and the two failure to appear sentences of 15 months each were ordered to be served consecutively to each other. The remaining 11-

month sentence of failure to appear was to be served concurrently with the other sentences. Therefore, the total stated prison sentence was 41 months.

{¶5} Walker submitted a timely notice of appeal in each of the four cases and assigned one error as follows.

ASSIGNMENT OF ERROR

> THE TRIAL COURT ERRED TO THE PREJUDICE OF MR. WALKER BY ACCEPTING A PLEA OF GUILTY THAT WAS NOT MADE KNOWINGLY, VOLUNTARILY, AND INTELLIGENTLY.

{¶6} In his sole assignment of error, Walker contends that his plea was not knowingly, intelligently, and voluntarily entered because the trial court did not advise him during the plea colloquy that the State of Ohio would have to prove him guilty beyond a reasonable doubt at trial. The State responds that while it "disagrees with Walker's characterization of the court's error as accepting pleas that were not knowing, intelligent[,] and voluntary," it "concedes this technical deviation from the rule invalidates the pleas and necessitates remand for further proceedings."

A. Law.

{¶7} " ' "When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily. Failure on any of those points renders enforcement of the plea unconstitutional under both the United States Constitution and the Ohio Constitution." ' " *State v. Betts*, 2017-Ohio-8595, ¶ 16 (4th Dist.), quoting *State v. Veney*, 2008-Ohio-5200, ¶ 7, quoting *State v. Engle*, 74 Ohio St.3d 525, 527 (1996). We determine whether a guilty plea is knowing, intelligent, and voluntary by applying " ' "a de novo review of the record to ensure

that the trial court complied with the constitutional and procedural safeguards." ' " *Id*., quoting *State v. Leonhart*, 2014-Ohio-5601, ¶ 36 (4th Dist.), quoting *State v. Moore*, 2014-Ohio-3024, ¶ 13 (4th Dist.). " '[A]n appellate court conducts a de novo review, without deference to the trial court's determination.' " *State v. Phoenix,* 2026-Ohio-1408, ¶ 26 (4th Dist.) quoting *State v. Blanton*, 2018-Ohio-1278, ¶ 50 (4th Dist.).

{¶8} "Crim.R. 11(C)(2) governs the acceptance of guilty pleas by the trial court in felony cases and provides that a trial court should not accept a guilty plea without first addressing the defendant personally[.]" *State v. Tolle*, 2022-Ohio-2839, ¶ 8 (4th Dist.) Crim.R. 11(C) provides, in pertinent part:

> (2) 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 either in-person or by remote contemporaneous video in conformity with Crim.R. 43(A) and doing all of the following:
>
> * * *
>
> (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.

The underlying purpose of Crim.R. 11 is to convey certain information to a defendant so that he can make a voluntary and intelligent decision regarding whether to plead guilty. *State v. Ballard*, 66 Ohio St.2d 473, 479-480 (1981). "Accordingly, the basis of Crim.R. 11 is to assure that the defendant is informed, and thus enable the judge to determine that the defendant understands that his plea waives his constitutional right to a trial." *Ballard* at 480.

{¶9} When a defendant seeks reversal based on an alleged plea-colloquy error, "the traditional rule is that he must establish that an error occurred in the trial court proceedings and that he was prejudiced by that error." *State v. Dangler*, 2020-Ohio-2765 ¶ 13. "The test for prejudice is 'whether the plea would have otherwise been made.' " *Id.* at ¶ 16, quoting *State v. Nero,* 56 Ohio St. 3d 106, 108 (1990). "Prejudice must be established 'on the face of the record.' " *Id.* at ¶ 24, quoting *Hayward v. Summa Health Sys./Akron City Hosp.*, 2014-Ohio-1913, ¶ 26, quoting *Wagner v. Roche Laboratories*, 85 Ohio St.3d 457, 462 (1999).

{¶10} There are two exceptions to the prejudice requirement in the criminal plea context. First, "[w]hen a trial court fails to explain the constitutional rights that a defendant waives by pleading guilty or no contest, we presume that a plea was entered involuntarily and unknowingly, and no showing of prejudice is required." *Dangler* at ¶ 14, citing *State v. Clark,* 2008-Ohio-3748, ¶ 31; *Veney*, 2008-Ohio-5200, at syllabus. Second, "a trial court's complete failure to comply with a portion of Crim.R. 11(C) eliminates the defendant's burden to show prejudice." *Id.* at ¶ 15, citing *State v. Sarkozy,* 2008-509, ¶ 22. "Aside from these two exceptions, the traditional rule continues to apply: 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,* 56 Ohio St.3d at 108.

{¶11} In an inquiry into whether a defendant has validly entered a plea, "the questions to be answered are simply: (1) has the trial court complied with the

relevant portion of the rule? (2) if the court has not complied fully with the rule, is the purported failure of a type that excuses a defendant from the burden of demonstrating prejudice? and (3) if a showing of prejudice is required, has the defendant met that burden?" *Id.* at ¶ 17.

B. Analysis

{¶12} In the instant case, the trial court stated the following:

> Trial court: So I'm going to do a summary, and it applies to all four cases. You have the absolute constitutional right to a speedy and public trial before a jury or before the court. And at that trial, the State of Ohio bears the entire burden of proof, and you're presumed to be innocent. But if you enter pleas of guilty, there's not going to be a trial in any of the cases in which you enter pleas of guilty. The presumption of innocence you'll give up through your plea of guilty, and you will leave the State of Ohio with the burden of proving each and every essential element of each of the four charges for which you're considering a plea of guilty. Do you understand what you'll give up there?
>
> Walker: Yes, Your Honor.

Here, while the trial court advised Walker that the State had the burden of proof, that Walker was presumed innocent, and that the State had to prove each and every essential element of each offense, at no place in the colloquy did the trial court explain that the State must prove Walker's guilt *beyond a reasonable doubt*.

{¶13} The State concedes error and recognizes that these facts are identical to those in *State v. Purtee*, 2025-Ohio-5257 (4th Dist.) In *Purtee*, we held that the trial court failed to strictly comply with Crim.R. 11(C)(2)(c), which requires that it orally advise the defendant before accepting a felony plea that the plea waives the right to require the State to prove his guilt beyond a reasonable

doubt. *Id.* at ¶ 14. Further, we held that because the trial court failed to strictly comply with this duty, Purtee's plea was invalid. *Id. See also State v. Moore*, 2019-Ohio-2764, ¶ 6-8 (9th Dist.) and *State v. Phillips*, 2016-Ohio-4687, ¶ 21-22 (9th Dist.) (where court of appeals found pleas were not knowingly, intelligently, and voluntarily entered when trial court advised the defendant that the State would bear the burden of proof at trial, but did not inform the defendant that the State would have to prove guilt beyond a reasonable doubt.)

{¶14} Further, "[a]lthough the trial court may vary slightly from the literal wording of the rule in the colloquy, the [trial] court cannot simply rely on other sources to convey these rights to the defendant.' " *State v. Purtee,* 2025-Ohio-5257, ¶ 9 (4th Dist.), quoting *State v. Veney,* 2008-Ohio-5200, ¶ 29. We acknowledged in *Purtee* that the Supreme Court of Ohio "tempered slightly the strict compliance standard if the alleged error involves an ambiguity in the plea colloquy." *Id.* at ¶ 10, citing *State v. Barker*, 2011-Ohio-4130, ¶ 25. In *State v. Barker,* the Supreme Court of Ohio held that if a notification is "reasonably intelligible" to the defendant, a reviewing court may consider the totality of the circumstances by looking at other evidence in the record to clarify the ambiguity. *Id*.at ¶ 10, citing *Barker* at ¶ 25-26. However, if the trial court entirely fails to inform the defendant of the right, the deficiency cannot be cured by reference to the written plea form or other extrinsic materials. *See Purtee* at ¶ 10-11. Therefore, even if there is a written plea agreement that contained the information specifically set forth in the rule," the trial court " 'cannot simply rely on other sources to convey this right,' nor can this Court consider the written plea

agreement absent ambiguity in the plea colloquy.' " *Purtee* at ¶ 11, quoting *Moore* at ¶ 7, quoting *Veney* at ¶ 29; *Barker* at ¶ 25.

{¶15} Here, like *Purtee*, the trial court advised Walker that the State had the burden of proof, but at no place in the colloquy did it explain that the State must prove his guilt *beyond a reasonable doubt.* We observe that " 'it would weaken the strict compliance standard to consider this a mere ambiguity.' " *Purtee* at ¶ 12, quoting *State v. Martin*, 2019-Ohio-2792, ¶ 31 (12th Dist.).

{¶16} Accordingly, we find that the trial court has not complied with the relevant portion of the rule, as this is constitutional advisement that requires strict compliance. We further find that failure to comply with this rule is of the type that excuses Walker from the burden of demonstrating prejudice. Thus, we sustain Walker's sole assignment of error.

CONCLUSION.

{¶17} The trial court's judgments are reversed, Walker's pleas are vacated, and we remand the case to the trial court for further proceedings.

JUDGMENTS ARE REVERSED AND REMANDED.

JUDGMENT ENTRY

It is ordered that the **JUDGMENTS ARE REVERSED AND REMANDED** and appellee 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 Adams County Common Pleas Court to carry this judgment into execution.

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

Smith, P.J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: _____
Kristy S. Wilkin, 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.