

IN THE OHIO COURT OF APPEALS  
FIFTH APPELLATE DISTRICT  
KNOX COUNTY, OHIO

STATE OF OHIO

Plaintiff - Appellee

-vs-

CHRISTOPHER M. CHRISTINE

Defendant - Appellant

Case No. 26CA000002

Opinion And Judgment Entry

Appeal from the Knox County Court of  
Common Pleas, Case No. 25CR06-0120

Judgment: Affirmed

Date of Judgment Entry: August 27, 2026

BEFORE: Andrew J. King, Robert G. Montgomery, and Kevin W. Popham, Judges

APPEARANCES: Charles T. McConville, Nicole E. Derr, for Plaintiff-Appellee; Todd W. Barstow, for Defendant-Appellant

OPINION

*Popham, J.,*

{¶1} Appellant Christopher M. Christine (“Christine”) appeals from his conviction and sentence following a negotiated guilty plea entered in the Knox County Court of Common Pleas. Christine contends that his plea was not knowingly, intelligently, and voluntarily entered because the trial court failed to advise him that a guilty plea constitutes a complete admission of guilt and that the court could proceed immediately to judgment and sentencing. For the reasons below, we disagree and affirm the judgment of the Knox County Court of Common Pleas.

### **Facts and Procedural History**

{¶2} On June 30, 2025, Christine was indicted on two counts of Failure to Provide a Change in Vehicle Information, felonies of the fourth degree, in violation of R.C. 2950.05(F)(1).

{¶3} On January 8, 2026, Christine executed a written Criminal Rule 11 plea form identifying the charges, the rights waived, the maximum penalties, and the terms of the negotiated plea. Christine agreed to plead guilty to one count of Failure to Provide a Change in Vehicle Information in exchange for the State's dismissal of the other count. The trial court conducted a plea hearing that same day, accepted Christine's guilty plea, and ordered a presentence investigation report. Sentencing was scheduled for February 5, 2026.

{¶4} Following a review of the PSI and statements from the parties, on February 5, 2026, the trial court sentenced Christine to a definite prison term of fifteen months.

### **Assignment of Error**

{¶5} Christine raises one assignment of error for our consideration,

{¶6} “I. APPELLANT DID NOT KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY ENTER HIS PLEA OF GUILTY, IN VIOLATION OF HIS RIGHT TO DUE PROCESS OF LAW UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE ONE SECTION SIXTEEN OF THE OHIO CONSTITUTION.”

### **Standard of Review & Governing Law**

{¶7} When reviewing a plea's compliance with Crim.R. 11(C), we apply a de novo standard of review. *State v. Nero*, 56 Ohio St.3d 106, 108-109 (1990); *State v. Lebron*, 2020-Ohio-1507, ¶ 9 (8th Dist.); *State v. Groves*, 2019-Ohio-5025, ¶ 7 (5th Dist.).

{¶8} Crim.R. 11 requires guilty pleas to be made knowingly, intelligently, and voluntarily. Although literal compliance with Crim.R. 11 is preferred, the trial court need only "substantially comply" with the rule when dealing with the non-constitutional elements of Crim.R. 11(C). *State v. Ballard*, 66 Ohio St.2d 473, 475 (1981), citing *State v. Stewart*, 51 Ohio St.2d 86 (1977).

{¶9} The constitutional rights that a defendant must be apprised of before entering his or her plea are: (1) jury trial; (2) confrontation of witnesses against him; (3) compulsory process for obtaining witnesses in his favor; (4) that the state must prove the defendant's guilt beyond a reasonable doubt at trial; and (5) that the defendant cannot be compelled to testify against himself. *State v. Veney*, 2008-Ohio-5200, ¶ 19; *State v. Ballard*, 66 Ohio St.2d 473, (1981), paragraph one of the syllabus, following *Boykin v. Alabama*, 395 U.S. 238, 242 (1969); *State v. Drain*, 2022-Ohio-3697, ¶ 32. If the trial court fails to strictly comply with these requirements, the defendant's plea is invalid. *Id.* at ¶ 31.

{¶10} The non-constitutional rights that the defendant must be informed of are: (1) the nature of the charges; (2) the maximum penalty involved, which includes, if applicable, an advisement on post-release control; (3) if applicable, that the defendant is not eligible for probation or the imposition of community control sanctions; and (4) that after entering a guilty plea or a no contest plea, the court may proceed directly to judgment and sentencing. Crim.R. 11(C)(2)(a)(b); *Veney* at ¶ 10-13; *State v. Sarkozy*, 2008-Ohio-509, ¶ 19-26 (post-release control is a non-constitutional advisement). For the non-constitutional rights, the trial court must substantially comply with Crim.R. 11's mandates. *State v. Nero*, 56 Ohio St.3d 106, 108 (1990). "Substantial compliance means that under the totality of the circumstances the defendant subjectively understands the implications of his plea and the rights he is waiving."

*Veney* at ¶ 15. Furthermore, a defendant who challenges his guilty plea on the basis that the advisement for the non-constitutional rights did not substantially comply with Crim.R. 11(C)(2) must also show a prejudicial effect, meaning the plea would not have been otherwise entered. *Veney* at ¶ 15; *State v. Stewart*, 51 Ohio St.2d 86, 93 (1977).

{¶11} Simplified, the questions to be answered are: (1) has the trial court complied with the relevant provision 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? *State v. Dangler*, 2020-Ohio-2765, ¶ 17.

{¶12} Relying on *Dangler*, Christine argues that the trial court's failure to advise him that a guilty plea constitutes a complete admission of guilt and that the court could proceed immediately to judgment and sentencing amounted to a complete failure to comply with Crim.R. 11. Therefore, he contends he is not required to demonstrate prejudice. We disagree.

{¶13} In *Dangler*, the Supreme Court of Ohio explained that a defendant is not automatically entitled to withdraw a guilty plea whenever a trial court omits a portion of the Crim.R. 11 advisements. Rather, a defendant is excused from demonstrating prejudice only when the trial court completely fails to comply with a constitutional or other mandatory advisement identified in the Rule. *Dangler* at ¶¶ 14-17. Where the omitted advisement concerns a nonconstitutional right and the trial court has only partially complied with Crim.R. 11, the defendant must demonstrate prejudice, namely, that he would not have entered the plea had the omitted advisement been given. *Id.* at ¶ 16.

{¶14} In *Dangler*, the trial court advised the defendant that he would be classified as a Tier III sex offender and would be subject to lifetime registration, but did not explain every

consequence of that classification, including residency restrictions, community notification, and in-person verification requirements. The Supreme Court held that the trial court had not completely failed to comply with Crim.R. 11 because it provided some advisement regarding the consequences of the classification. Accordingly, because the omitted advisements concerned nonconstitutional rights, Dangler was required to demonstrate prejudice. *Id.* at ¶¶ 21-23.

### **Analysis**

{¶15} The record reflects that Christine's guilty plea was entered knowingly, intelligently, and voluntarily.

{¶16} Christine executed a written plea form, signed by both him and his counsel, which identified the charge, the maximum penalties, and the constitutional rights he agreed to waive. A written waiver of rights is presumed valid. *State v. Clark*, 38 Ohio St.3d 252, 261 (1988).

{¶17} During the plea hearing, the trial court thoroughly advised Christine of his constitutional rights, including his rights to a jury trial, to confront witnesses, to compulsory process, to require the State to prove his guilt beyond a reasonable doubt, and against self-incrimination. Christine acknowledged that he understood those rights, the nature of the charge, the potential penalties, and that he was satisfied with counsel.

{¶18} The prosecutor then recited the factual basis supporting the offense. Afterward, the trial court asked Christine, "Do you admit to those facts stated by [the prosecutor]?" Christine responded, "Yes." (Plea Tr. at 10). The court then asked, "And by admitting to those facts, do you admit to your guilt to the charge of failure to provide change of vehicle information?" Christine again responded, "Yes." (*Id.*).

{¶19} These exchanges demonstrate that this was not a complete failure to advise Christine of the effect of his guilty plea. Although the trial court did not expressly state, using the language of Crim.R. 11(B)(1), that a guilty plea is a "complete admission of guilt," the court obtained Christine's express acknowledgment that he admitted both the factual allegations and his guilt of the offense. Under these circumstances, the trial court substantially complied with the rule.

{¶20} Moreover, Christine admitted his guilt on the record and has never asserted that he is innocent of the offense. Under these circumstances, he is presumed to have understood the effect of his guilty plea. *State v. Griggs*, 2004-Ohio-4415, ¶ 19. Christine does not argue on appeal that he would have rejected the plea agreement had the trial court expressly informed him that his guilty plea constituted a complete admission of guilt.

{¶21} Likewise, the trial court's failure to advise Christine that it could proceed immediately to judgment and sentencing involved a nonconstitutional advisement governed by Crim.R. 11(C)(2)(b). Accordingly, unless the trial court failed to substantially comply, Christine must demonstrate prejudice. *See State v. Veney*, 2008-Ohio-5200, ¶¶ 10-17; *State v. Sarkozy*, 2008-Ohio-509, ¶¶ 19-26.

{¶22} Christine has failed to make that showing.

{¶23} "Except in topsy-turvy land, you can't die before you are conceived, or be divorced before ever you marry, or harvest a crop never planted, or burn down a house never built, or miss a train running on a non-existent railroad..." *Shover v. Cordis Corp.*, 61 Ohio St. 3d 213, 233 (1991) (Douglas, J., dissenting), *overruled on other grounds in Collins v. Sotka* 81 Ohio St. 3d 506 (1998) *as stated in In re Lombardo*, 86 Ohio St.3d 600, 605 (1999), quoting *Dincher v. Marlin Firearms Co.* 198 F. 2d 821, 823 (2nd Cir.1952) (Frank, J. dissenting). *See also*,

*Schrader v. Schrader*, 2012-Ohio-4032, ¶ 21 (5th Dist.); *Walker v. State*, 2007-Ohio-5262, ¶ 55 (5th Dist.). In this case Christine agrees that he was not immediately sentenced after the trial court accepted his guilty plea. Only in topsy-turvy land can a defendant be harmed because the court failed to warn him it *might* sentence him immediately, when the court in fact did nothing of the sort. Sentencing was postponed for more than a month. There is no error in failing to announce a possibility that never materialized. Accordingly, because the trial court did not immediately proceed to sentence Christine after accepting his plea of guilty, Christine cannot show that the failure to advise him was error, or that it affected his decision to plead guilty. See *State v. Woods*, 2006-Ohio-2325, ¶ 7 (2d Dist.); *State v. Tomlin*, 2026-Ohio-439, ¶ 46 (5th Dist.); *State v. Carder*, 2026-Ohio-1061, ¶ 16 (5th Dist.).

### **Conclusion**

{¶24} The record demonstrates that Christine knowingly, intelligently, and voluntarily entered his guilty plea. The advisements here involved non-constitutional rights, and the trial court did not completely fail to comply with Crim.R. 11. Therefore, Christine was required to establish prejudice from the alleged omissions. He has failed to do so.

{¶25} Accordingly, Christine's sole assignment of error is overruled.

{¶26} For the reasons stated in our Opinion, the judgment of the Knox County Court of Common Pleas is affirmed.

{¶27} Costs to Appellant, Christopher M. Christine.

By: Popham, J.

King, P.J. and

Montgomery, J., concur