

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

STATE OF OHIO,

Plaintiff - Appellee

-vs-

JARIUS WILSON,

Defendant - Appellant

Case No. 2026CA00013
2026CA00014

Opinion And Judgment Entry

Appeal from the Stark County Court of
Common Pleas, Case Nos. 2023CR1604,
2023CR2344

Judgment: Affirmed

Date of Judgment Entry: September 21, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; David M. Gormley, Judges

APPEARANCES: KYLE L. STONE, Prosecuting Attorney, CHRISTOPHER A. PIEKARSKI, Assistant Prosecuting Attorney, for Plaintiff-Appellee; AARON KOVALCHIK, for Defendant-Appellant.

Baldwin, J.

{¶1} The appellant, Jarius Wilson, appeals his convictions in the Stark County Court of Common Pleas. The appellee is the State of Ohio.

STATEMENT OF FACTS AND THE CASE

{¶2} On August 11, 2023, the appellant was indicted in the Stark County Court of Common Pleas (Case No. 2023CR1604) on one count of aggravated possession of drugs in violation of R.C. 2925.11(A) and (C)(1)(c), and three counts of possession of drugs in violation of R.C. 2925.11(A) and (C)(2)(a). On October 25, 2023, the appellant waived prosecution by indictment and elected to be prosecuted by information in Case No.

2023CR2344. The State thereafter filed a bill of information charging the appellant with one count of aggravated trafficking in drugs, one count of trafficking in marijuana, one count of aggravated possession of drugs, and one count of possessing criminal tools.

{¶3} The same day, following a Crim.R. 11 plea colloquy, the appellant entered guilty pleas to all charges in both cases. The trial court accepted his guilty pleas as knowing, intelligent, and voluntary, found him guilty on all counts, proceeded immediately to sentencing, and imposed an aggregate indefinite prison term with a mandatory minimum of four years and a maximum of six years. The trial court's sentencing entries were filed on November 20, 2023, with nunc pro tunc corrections filed on December 28, 2023, and January 9, 2024.

{¶4} During the plea colloquy, the trial court advised the appellant that he would be entitled to earn between five and fifteen percent off his minimum term through good conduct and that a hearing would occur if the court sought to disapprove that reduction. Later, while discussing the sentencing structure, the court stated that the manner in which it had sentenced the appellant would help with "good time calculations" and that the appellant would benefit as a result.

{¶5} In July 2025, the appellant filed notices of appeal and motions for leave to file delayed appeals in both cases. This Court denied those motions and dismissed the appeals. The appellant again sought leave to file delayed appeals, and on February 26, 2026, this Court granted the motions. The appellant now raises a single assignment of error for this Court's review:

{¶6} “I. THE TRIAL COURT ERRED AND PREVENTED APPELLANT FROM ENTERING A KNOWING, INTELLIGENT, AND VOLUNTARY PLEA WHEN IT ADVISED APPELLANT ABOUT ERMPT.”

I.

{¶7} In his sole assignment of error, the appellant argues that the trial court erred in accepting his guilty pleas because they were not knowing, intelligent, and voluntary. We disagree.

STANDARD OF REVIEW

{¶8} Crim.R. 11 requires that guilty pleas be made knowingly, intelligently, and voluntarily. Crim.R. 11(C)(2). While literal compliance with Crim.R. 11 is preferred, the trial court need only “substantially comply” with the rule when dealing with the nonconstitutional advisements set forth in Crim.R. 11(C)(2)(a) and (b). *State v. Ballard*, 66 Ohio St.2d 473, 475 (1981), *citing State v. Stewart*, 51 Ohio St.2d 86 (1977).

{¶9} The constitutional rights of which a defendant must be informed are referenced in Crim.R. 11(C)(2)(c) and include: (1) a jury trial; (2) confrontation of witnesses against him; (3) the 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. If the trial court fails to strictly comply with the Crim.R. 11(C) requirements relative to these particular constitutional rights, the defendant’s plea is invalid. *Id.* at ¶ 31.

{¶10} The nonconstitutional advisements include: (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) and (b); *Veney* at ¶ 10-13; *State v. Sarkozy*, 2008-Ohio-509, ¶ 19-26.

{¶11} When reviewing a plea's compliance with Crim.R. 11(C), we ordinarily apply a de novo standard of review. *State v. Nero*, 56 Ohio St.3d 106, 108-109 (1990).

{¶12} Here, however, the appellant did not object to the trial court's advisement or move to withdraw his pleas. He acknowledges that review is therefore limited to plain error. Notice of plain error is to be taken with the utmost caution, under exceptional circumstances and only to prevent a manifest miscarriage of justice. *State v. Long*, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus. To prevail under the plain-error doctrine, the appellant must establish (1) that an error occurred, (2) that the error was obvious, and (3) that there is a reasonable probability that the error resulted in prejudice. *State v. McAlpin*, 2022-Ohio-1567, ¶ 66.

ANALYSIS

{¶13} The Earned Reduction of Minimum Prison Term (ERMPT) is a statutory sentence-reduction mechanism codified at R.C. 2967.271. It is not among the constitutional rights identified in Crim.R. 11(C)(2)(c), and Crim.R. 11 does not require a trial court to advise a defendant concerning it.

{¶14} The Eighth District Court of Appeals has explained the analysis that applies when a trial court elects to address a topic that Crim.R. 11 does not require it to cover:

Crim.R. 11(C) does not require the trial court to advise a defendant on the eligibility for good-time credit. Nevertheless, a trial court can elect to inform

a defendant of aspects of his sentence that are not mandated by Crim.R. 11. If in doing so, the trial court gives an incorrect recitation of the law, in a way that obscures the maximum prison term a defendant faces, the trial court's recitation fails to meet the substantial-compliance standard for Crim.R. 11(C) . . . However, when the trial court gives an incorrect statement of law, the trial court does not completely ignore its responsibilities under Crim.R. 11(C)(2)(a). The incorrect recitation of the law still amounts to partial compliance with the rule. Therefore, the defendant needs to show prejudice to prevail.

State v. Bobo, 2022-Ohio-3555, ¶ 19 (8th Dist.), *overruled in part on other grounds*, *State v. Grays*, 2023-Ohio-2482, ¶ 4 (8th Dist.).

{¶15} A trial court's misstatement of law during a plea colloquy does not necessarily render a guilty plea unknowing, unintelligent, or involuntary. *State v. Gowdy*, 2025-Ohio-5575, ¶ 33. Where the record otherwise demonstrates an understanding of the charges, the penalties, and the constitutional rights at stake, an isolated erroneous advisement does not vitiate the plea. *Id.* Whether or not the appellant was eligible for an ERMPT reduction, any inaccuracy in the trial court's advisement concerned a matter Crim.R. 11 did not require the court to address. Such an advisement, if erroneous, amounts at most to partial compliance with Crim.R. 11(C)(2)(a), and relief requires a showing of prejudice.

{¶16} The prejudice inquiry asks whether the plea would otherwise have been made. *Gowdy* at ¶ 20. The appellant must show that, but for the alleged error, he would not have entered the guilty pleas. *State v. George*, 2019-Ohio-3871, ¶ 13 (9th Dist.). The appellant asserts that the trial court's statements led him to believe that his minimum sentence would be reduced. He does not assert, however, that he would have declined to plead guilty and

proceeded to trial had he been correctly advised, and nothing in the record he cites indicates that he based his decision to plead guilty on the future possibility of an ERMPT reduction of his sentence.

{¶17} The appellant signed “written plea of guilty” forms in each of the two cases, and the trial court confirmed twice during the colloquy that the signed forms were before it. “[A] written waiver of rights is presumed valid.” *State v. Tomlin*, 2026-Ohio-439, ¶ 12 (5th Dist.).

{¶18} The forms state: “I am charged with a second[-]degree felony. I understand, however, there is a mandatory prison term for this offense which will be one of the terms stated herein.” See *State v. Baker*, 2016-Ohio-5799, ¶ 11 (5th Dist.). The forms also include charts of the appellant’s offenses indicating whether each offense requires a “mandatory” prison term. In the 2023CR1604 plea form, in the row for “aggravated possession of drugs (F2),” within the column titled “prison term is mandatory,” the typed word “yes” is circled.

{¶19} As to earned credit, the forms provide: “I further understand that for qualifying offenses, I can earn good time credit of five percent up to fifteen percent against the minimum sentence for good behavior as recommended by the Ohio Department of Corrections and considered by the Court.”

{¶20} The written forms do not cure the trial court’s oral advisement, but they are relevant to prejudice. By signing them, the appellant acknowledged that his second-degree felony offenses carried mandatory prison terms and that the credit he now invokes was available only for “qualifying offenses.” That acknowledgment weighs against a conclusion that the oral advisement affected his decision to plead guilty.

{¶21} The record further demonstrates Crim.R. 11 compliance independent of the trial court's statements concerning ERMPT.

{¶22} The trial court informed the appellant that if he needed to discuss anything with defense counsel, he should speak up, and the appellant indicated that he understood. When asked whether he was under the influence of drugs or alcohol, the appellant said he was not, and he indicated that he could understand the proceedings. Following the court's explanations, the appellant affirmed that he understood the nature of his crimes and the maximum penalties involved, including post-release control.

{¶23} The court then asked: "Do you have any questions before I ask you how you plead?" The appellant replied: "No, ma'am."

{¶24} The forms also contain the appellant's acknowledgments that he understood "the nature of the charges and the minimum and maximum penalties involved upon conviction," that it was "solely [his] own choice to enter a Plea of Guilty with full knowledge of the other alternatives available to [him]," and that "[n]o threats or promises have been made to [him] by anyone to secure [his] Plea of Guilty."

{¶25} The ERMPT advisement did not obscure the appellant's understanding of the charges against him, the penalties he faced, or the rights he was waiving. *See Gowdy*, 2025-Ohio-5575, at ¶ 34.

{¶26} The appellant's reliance on *State v. Nicholson*, 2025-Ohio-5411 (8th Dist.), does not alter the analysis. *Nicholson* addressed a defendant's eligibility for an ERMPT reduction on direct appeal from sentencing. It did not address what a defendant must demonstrate to invalidate a guilty plea under Crim.R. 11(C), and it does not relieve the appellant of his burden of showing prejudice.

{¶27} The appellant's failure to demonstrate that he would have declined to plead guilty is fatal to his claim whether it is reviewed for plain error or for substantial compliance with Crim.R. 11(C)(2)(a). Accordingly, the appellant has failed to show that the trial court committed plain error.

{¶28} The appellant's sole assignment of error is overruled.

CONCLUSION

{¶29} Based upon the foregoing, the judgment of the Stark County Court of Common Pleas is hereby affirmed.

{¶30} Costs to the appellant.

By: Baldwin, J.

Hoffman, P.J. and

Gormley, J. concur.