

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

STATE OF OHIO

Plaintiff - Appellee

-vs-

KEITH STYERS

Defendant - Appellant

Case No. CT2026-0034

Opinion and Judgment Entry

Appeal from the Muskingum County Court of
Common Pleas, Case No. CT2026-0036

Judgment: Affirmed

Date of Judgment Entry: September 22, 2026

BEFORE: William B. Hoffman; Kevin W. Popham; David M. Gormley, Judges

APPEARANCES: Joseph A. Palmer, Assistant Prosecuting Attorney, for Plaintiff-Appellee; April F. Campbell, Campbell Law, LLC, for Defendant-Appellant.

Hoffman, P.J.

{¶1} Defendant-appellant Keith Styers appeals the March 31, 2026 Entry entered by the Muskingum County Court of Common Pleas, which convicted him of and sentenced him on one count of aggravated possession of drugs, after the trial court found him guilty upon acceptance of his guilty plea to the same. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE CASE¹

{¶2} On January 21, 2026, the Muskingum County Grand Jury indicted Appellant on one count of aggravated possession of drugs, in violation of R.C. 2925.11(A) and (C)(1)(a),

¹A Statement of the Facts is not necessary for our disposition of this appeal.

a felony of the fifth degree. Appellant appeared before the trial court for arraignment on January 28, 2026, and entered a plea of not guilty.

{¶3} On March 25, 2026, prior to the scheduled trial date of March 31, 2026, Appellant appeared before the court, withdrew his former plea of not guilty, and entered a plea of guilty to the Indictment. During the Crim. R. 11 colloquy, Attorney Chris Brigdon, counsel for Appellant, stated, “We’d ask the Court to accept Mr. Styer’s plea of guilty, and we would ask the Court for leave to waive PSI and move straight to sentencing today.” Transcript of March 25, 2026 Change of Plea Hearing at pp. 11-12. The trial court accepted Appellant’s plea and found him guilty. Appellant advised the trial court he wished to be sentenced at that time. The State had no objections to the waiver of the presentence investigation (“PSI”) and the trial court allowed Appellant to waive the PSI.

{¶4} The State summarized Appellant’s criminal history, which dated back to 1992. Appellant contested the accuracy of the State’s account, arguing he was innocent of the last two convictions. Attorney Brigdon spoke on behalf of Appellant, describing his battle with his methamphetamine addiction and requesting the trial court consider the minimum sentence of six months.

{¶5} After the trial court imposed an 8-month prison term, Appellant questioned, “8? I’m withdrawing my plea then. I’m – I’m not pleading.” *Id.* at p. 17. The trial court continued with sentencing, ordering Appellant to pay court costs and granting Appellant 57 days of jail time credit. As the trial court advised Appellant, “I must inform you that it is optional but, upon your release from prison, the Adult Parole Authority could --,” Appellant interjected, “I’m withdrawing my plea. I’m withdrawing my plea. I’m not taking eight

months.” *Id.* The trial court denied Appellant’s request and continued with the statutory advisements. No written motion to withdraw the guilty plea was ever filed with the trial court.

{¶6} The trial court memorialized Appellant’s conviction and sentence via Entry filed March 31, 2026.

{¶7} It is from this judgment entry Appellant appeals, raising as his sole assignment of error:

THE TRIAL COURT REVERSIBLY ERRED BECAUSE STYERS SHOULD HAVE BEEN GRANTED A HEARING ON HIS MOTION TO WITHDRAW HIS PLEA, AND THE TRIAL COURT SHOULD HAVE GRANTED HIS MOTION.

I

{¶8} In his sole assignment of error, Appellant contends the trial court erred in denying his motion to withdraw his plea in the absence of a hearing.

{¶9} Crim. R. 32.1 governs the withdrawal of guilty pleas and provides:

A motion to withdraw a plea of guilty or no contest may be made only before sentence is imposed; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his or her plea.

{¶10} A motion made pursuant to Crim.R. 32.1 is addressed to the sound discretion of the trial court. The good faith, credibility, and weight of the movant's assertions in support of the motion are matters to be resolved by that court. *State v. Smith*, 49 Ohio St.2d 261, paragraph two of the syllabus (1977). Thus, we review a trial court's denial of a motion to withdraw a guilty plea under an abuse of discretion standard. *Id.*; *State v. Straley*, 2019-Ohio-5206, ¶ 15.

{¶11} As detailed, *supra*, Appellant interrupted the trial court at his sentencing hearing to assert he wanted to withdraw his plea, despite the fact he was represented by counsel at this time. Thus, his assertions at the sentencing hearing do not, strictly speaking, constitute a proper motion. *State v. Thompson*, 2024-Ohio-5348, ¶ 13, 16 (2nd Dist.) (noting a defendant is not to make pro se motions while represented by counsel). Further, neither Attorney Brigdon nor Appellant filed a written motion to withdraw the guilty plea with the trial court after the sentencing hearing.

{¶12} A motion to withdraw a guilty plea made after the pronouncement of sentence, but before the trial court's filing of the sentencing entry, is to be treated as a post-sentence motion. *State v. Downey*, 2020-Ohio-4118, ¶ 20 (5th Dist.), citing *State v. Surface*, 2009-Ohio-950, ¶12 (5th Dist.). As such, we will evaluate Appellant's arguments under the standard for post-sentence motions to withdraw.

{¶13} A defendant who seeks to withdraw a plea of guilty after the imposition of sentence has the burden of establishing the existence of manifest injustice. *State v. Cosavage*, 2026-Ohio-3250, ¶ 14 (5th Dist.), citing *State v. Smith*, 49 Ohio St.2d 261, paragraph one of the syllabus (1977). A “manifest injustice” is a “clear or openly unjust act,” which is “evidenced by an extraordinary and fundamental flaw in a plea proceeding.” (Internal citation

omitted.) *State v. Tekulve*, 2010-Ohio-3604, ¶ 7 (1st Dist.). The term “has been variously defined, but it is clear that under such standard, a post-sentence withdrawal motion is allowable only in extraordinary cases.” *Smith*, 49 Ohio St.2d at 264.

{¶14} “A hearing on a post-sentence motion to withdraw a plea is not mandatory.” *State v. Moore*, 2012-Ohio-657, ¶ 13 (3d Dist.). Rather, “[t]he movant must establish a reasonable likelihood that withdrawal of his plea is necessary to correct a manifest injustice before a trial court must hold a hearing on his motion.” *State v. Stewart*, 2004-Ohio-3574, ¶ 6 (2d Dist.). Additionally, “a court is not required to hold an evidentiary hearing on a Crim.R. 32.1 motion so that evidence outside the record can be presented when the motion and record do not present a reasonable likelihood of a manifest injustice.” *State v. Johnson*, 2019-Ohio-1259, ¶ 15 (2d Dist.).

{¶15} The transcript of the March 25, 2026 Change of Plea Hearing clearly establishes Appellant had a change of heart about his guilty plea after learning the length of his sentence. Prior to the trial court's imposition of the 8-month prison term, Appellant participated in the hearing and gave no indication he wished to withdraw his plea. Immediately after hearing his sentence, however, Appellant demanded to withdraw his plea. Appellant failed to establish the existence of a manifest injustice. Under these circumstances, we find the trial court did not abuse its discretion in denying Appellant’s oral motion to withdraw his plea.

{¶16} Appellant’s sole assignment of error is overruled.

{¶17} The judgment of the Muskingum County Court of Common Pleas is affirmed.

{¶18} Costs to Appellant.

By: Hoffman, P.J.

Popham, J. and

Gormley, J. concur.