[Cite as *State v. Skodny*, 2026-Ohio-4356.]

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

STATE OF OHIO, Plaintiff - Appellee -vs- DANIEL LOUIS SKODNY, Defendant - Appellant	Case No. 26 CAA 04 0031 Opinion & Judgment Entry Appeal from the Court of Common Pleas of Delaware County, Case No. 25 CR I 07 0465 Judgment: Affirmed Date of Judgment: November 3, 2026

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

APPEARANCES: Melissa A. Schiffel (Delaware County Prosecuting Attorney) and Katheryn L. Munger (Assistant Prosecuting Attorney), Delaware, Ohio, for Plaintiff-Appellee; Jonathan W. Klein, Powell, Ohio, for Defendant-Appellant.

Gormley, J.

{¶1} Appellant Daniel Skodny argues here that the trial court should not have accepted his *Alford* plea to a criminal charge, given that the facts in the record, in Skodny's view, were insufficient to support a guilty finding on that charge. Because we conclude that the trial court properly accepted Skodny's plea, we affirm the judgment.

The Key Facts

{¶2} Skodny was facing an F2 aggravated-possession-of-drugs charge in the trial court when he and the prosecution struck a deal: Skodny would enter an *Alford* plea to an F3 aggravated-possession-of-drugs charge, and the parties would jointly recommend that he be sentenced to 24 months in prison on that reduced charge. Counsel for both parties as well as Skodny himself then signed a five-page plea agreement in which he acknowledged that he was making a "knowing, intelligent, and voluntary decision" to enter his *Alford* plea.

{¶3} At the plea-change hearing that followed, the trial judge explained to Skodny all of his constitutional rights and the potential penalties that he faced if his plea were accepted. Skodny waived each of those rights and acknowledged his understanding of the potential penalties, telling the judge during the plea colloquy that he had no questions about the reduced drug charge, about the effect of his plea, or about the other issues that they had discussed. Skodny also told the judge that he was voluntarily entering his plea and that he had not been subjected to any threats or received any promises in connection with it.

{¶4} As for Skodny's choice to enter an *Alford* plea as opposed to a standard guilty plea, he explained to the judge at the plea-change hearing that he was innocent and that he had had no knowledge about the illegal drugs that law-enforcement officers had allegedly found in his truck. The judge in turn confirmed that Skodny had talked with his attorney about *Alford* pleas and how they differ from the typical guilty plea.

{¶5} When the judge asked Skodny why he was choosing to enter his plea despite his claim of innocence, he explained that he faced a "significant amount of more time" if he went to trial and was convicted on the original charge. When the judge indicated that Skodny appeared to be entering his *Alford* plea because he was "seek[ing] a lesser penalty" than he was likely to face after a trial on the original F2 charge, Skodny said, "yes, yes."

{¶6} In addition, Skodny, during the plea-change hearing, acknowledged that he understood that a prosecutor would momentarily explain the facts giving rise to the original charge and understood, too, that he would likely be found guilty that day on the reduced charge if the judge was convinced that the State's case on the greater charge appeared to be strong and if those facts at least supported a guilty finding on the lesser charge.

{¶7} When the judge asked at the plea-change hearing for a recitation of the facts underlying the drug charge, a prosecutor explained that law-enforcement officers had found more than 30 grams of methamphetamine in a truck driven by Skodny. One passenger had been with Skodny at the time of the traffic stop and search, and that passenger, according to the prosecutor's explanation, had told law-enforcement officers at the scene that the two of them had developed a plan to buy drugs in Columbus. When they were stopped in Delaware County in the middle of the night, they were more than two hours from their homes, the prosecutor said. As for any criminal charges against that passenger, the prosecutor told the judge at Skodny's plea-change hearing that the passenger had recently pled guilty to an F3 drug charge like the one to which Skodny himself was now entering a plea.

{¶8} Based on that factual explanation from the State as well Skodny's own assurances that he understood what he was doing and was voluntarily and intelligently entering his plea, the judge accepted the *Alford* plea, made a finding of guilty on it, and imposed the jointly recommended prison term on the reduced charge. Skodny now appeals.

The Trial Court Did Not Err by Accepting Skodny's *Alford* Plea

{¶9} In his only assignment of error, Skodny argues that the trial court improperly accepted his plea because the State, in his view, failed to provide a sufficient factual explanation that would support a guilty finding.

{¶10} We review with fresh eyes Skodny's assertion that the trial court improperly accepted his *Alford* plea. *State v. Cook*, 2024-Ohio-4481, ¶ 9 (5th Dist.) ("When a defendant contends a guilty plea is invalid because a court failed to comply with the *Alford* requirements, this Court must undertake a de novo review").

{¶11} The so-called *Alford* plea of course draws its name from the U.S. Supreme Court's decades-ago decision in *North Carolina v. Alford*, 400 U.S. 25 (1970). There, the court explained that a defendant may "voluntarily, knowingly, and understandingly consent to the imposition of a prison sentence" even if he or she is unwilling to admit participation in the crime or even if he or she claims to be innocent, provided that the defendant "intelligently concludes" that a guilty plea is in his or her best interest and provided, too, that "the record before the judge contains strong evidence of actual guilt." *Id.* at 37.

{¶12} Under *Alford*, then, a defendant who maintains his or her innocence may rationally conclude, based on the strength of the evidence that the State is prepared to offer at trial, that a plea bargain is in his or her best interest so that he or she can try to avoid the prospect of the greater punishment that seems likely to result if the case goes to trial on the original charge or charges. *State v. Byrd*, 2008-Ohio-3909, ¶ 16 (4th Dist.).

{¶13} An *Alford* plea, just like an ordinary guilty plea, must be made knowingly, intelligently, and voluntarily. *State v. Willis*, 2008-Ohio-6808, ¶ 4 (6th Dist.). When a defendant's plea is accompanied by a protestation of innocence, a trial court has a heightened duty to ensure that the defendant has made a rational decision to enter the plea. *Cook*, 2024-Ohio-4481, at ¶ 9 (5th Dist.). This generally requires "a presentation of some basic facts surrounding the charge from which the court may determine whether the accused has made an intelligent and voluntary guilty plea." *State v. Drzayich*, 2016-Ohio-1398, ¶ 13 (6th Dist.).

{¶14} That kind of factual explanation allows the trial court to resolve the apparent conflict between "a defendant's claim of innocence and the defendant's desire to plead guilty to the charges." *State v. Johnson*, 2016-Ohio-2840, ¶ 27 (8th Dist.). In gathering the necessary facts, the trial court may rely on the entire record before it. *State v. Koperski*, 2024-Ohio-2838,

¶ 13 (6th Dist.). *See also State v. Hughes*, 2021-Ohio-111, ¶ 15 (4th Dist.) (suggesting that a "bill of particulars, . . . witness statements[,] . . . investigative reports, . . . [or a] recitation of basic facts at the plea hearing" can suffice for an *Alford* plea).

{¶15} A defendant who enters a guilty plea, "including an *Alford* plea," waives all appealable errors "except to the extent that the errors precluded the defendant from knowingly, intelligently, and voluntarily" entering the plea. *State v. Clark*, 2021-Ohio-2531, ¶ 26 (2d Dist.). We therefore review Skodny's challenge to the adequacy of the State's explanation of the crime solely to determine whether that explanation suggests that Skodny's plea was something less than knowing and intelligent.

{¶16} We readily conclude that the plea was a sound one. Certainly nothing was amiss during the judge's colloquy with Skodny about the voluntariness of the plea, about his constitutional rights, about the effect of a guilty plea, or about the potential penalties. And Skodny had that day already signed a multi-page plea agreement explaining in written form most if not all of the same information.

{¶17} The judge rightly prompted Skodny, too, to explain that he was entering an *Alford* plea in hopes of avoiding the harsher prison term that he faced if he were convicted on the original F2 drug charge. (The judge surely knew, as well, that Skodny's prison term on that original charge would be, under R.C. 2925.11(C)(1)(c) and R.C. 2929.14(A)(2)(a), a mandatory and indefinite one.)

{¶18} As for the facts that the State was prepared to prove at trial, the prosecutor's explanation of those facts at the plea change was, in our view, sufficient to enable the trial judge to "resolve the apparent conflict" between Skodny's claim of innocence and his stated "desire to plead guilty" to the reduced charge. *State v. Cunningham*, 2023-Ohio-4305, ¶ 17 (4th

Dist.) (quotations omitted) (explaining that the record must contain enough facts for the judge to make that determination). *See also State v. Frazier*, 2024-Ohio-2114, ¶ 24 (12th Dist.) ("the standard for determining the plea's validity is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant") (quotations omitted).

{¶19} In the prosecutor's factual explanation, the judge heard that the weight of the methamphetamine found in a truck driven by Skodny was well in excess of the "five times the bulk amount" that was alleged in the indictment, and the judge heard, too, that the passenger had made a statement incriminating them both. The prosecutor reminded the judge, as well, that the passenger had already pled guilty to a similar drug-possession charge in the wake of the traffic stop. Given that the judge had imposed a prison term in that passenger's case just weeks earlier, that person was presumably available to testify at Skodny's trial if need be.

{¶20} These facts were sufficient to allow the judge to see that Skodny was making a reasonable and informed choice between the alternatives available to him. The agreed resolution offered him the prospect of a much less severe penalty than he likely faced had he gone to trial and been convicted, and a conviction on the original charge appeared to be likely based on the facts described by the prosecutor. We see no error in the trial court's acceptance of the *Alford* plea in these circumstances, given that the plea appears to have been entered knowingly, intelligently, and voluntarily by Skodny. His assignment of error is overruled.

{¶21} For these reasons, the judgment of the Court of Common Pleas of Delaware County is affirmed. Costs are to be paid by Appellant Daniel Skodny.

By: Gormley, J.;

Popham, P.J. and

Hoffman, J. concur.