[Cite as *In re D.B.*, 2026-Ohio-4412.]

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

IN RE: D.B.	Case No. 2026 CA 00028 Opinion and Judgment Entry Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case No. F2025-0395 Judgment: Reversed and Remanded Date of Judgment Entry: November 6, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: Jenny Wells, Licking County Prosecuting Attorney, Kenneth W. Oswalt, Assistant Prosecuting Attorney, for Plaintiff-Appellee; Lauren Hammersmith, Assistant Public Defender, for Defendant-Appellant.

Hoffman, P.J.

{¶1} Appellant D.B. appeals the March 4, 2026 Judgment Entry entered by the Licking County Court of Common Pleas, Juvenile Division, which adjudicated him a delinquent child and entered a disposition committing him to the Ohio Department of Youth Services. Appellee is the State of Ohio.

STATEMENT OF THE CASE AND FACTS

{¶2} On October 28, 2025, a complaint was filed in the Mahoning County Court of Common Pleas, Juvenile Division, Case No. 2025 JA 872, alleging Appellant, who was then 15 years old, appeared to be a delinquent child for committing acts which constitute the

offense of grand theft of a motor vehicle, in violation of R.C. 2913.02(A)(1) and (B)(5), a felony of the fourth degree if committed by an adult. The magistrate conducted a hearing on November 13, 2025. Via Decision filed November 17, 2025, the magistrate found Appellant was in the custody of Licking County Children Services and had pending proceedings in the Licking County Court of Common Pleas, Juvenile Division, and recommended the matter be transferred in its entirety to that court. The Mahoning County Juvenile Court adopted the magistrate's decision and transferred the case to the Licking County Juvenile Court on November 18, 2025.

{¶3} The juvenile court appointed Attorney Jermaine Colquitt as counsel for Appellant and Mark Poole as his Guardian ad Litem ("GAL"). Appellant appeared before the juvenile court for an initial hearing on November 21, 2025, and entered a plea of deny to the charge. The magistrate conducted an adjudicatory hearing on January 15, 2026, at which Appellant withdrew his plea of deny and entered a plea of admit to the charge.

{¶4} The juvenile court conducted the following colloquy with Appellant:

> THE MAGISTRATE: Okay. Thank you. All right.
>
> So, [Appellant], I'm going to ask you some questions, okay. And I need you to verbally answer yes or no because we're making a record, all right?
>
> [APPELLANT]: (Inaudible).
>
> THE MAGISTRATE: Okay. So your attorney's indicated, as you know that motion to revoke was filed back in November on you 04 (sic) case. In the motion, the allegations in there that when you ran away from Safehouse and then transferred to Mohican, you attempted to run away from Mohican, you

were brought back by the Sheriff's Office, and then the new offense of stealing the – the vehicle.

So your attorney's indicated that you want to withdraw your previously entered plea of deny to not only the allegations in that motion to revoke, but also the transferred complaint which is the grand theft of motor vehicle, felony of the fourth degree, from Mahoning. Is that what you want to do today?

[APPELLANT]: I don't understand.

THE MAGISTRATE: Do you want to admit to those charges?

[APPELLANT]: Yeah.

THE MAGISTRATE: Okay. So what that means by admitting, that means we're not going to have a trial. So we're not going to hear from witnesses that are going to – the State's going to present the – so she's not going to have to prove beyond a reasonable doubt that you are, in fact, delinquent as to those charges. By admitting, you're waiving that right, I'm going to take the statements of everybody, and I can adjudicate you not only a probation violator, but a delinquent child to that new offense.

So do you understand by admitting you're waiving your right to that trial?

[APPELLANT]: Yeah.

THE MAGISTRATE: Okay. And that's what you want to do?

[APPELLANT]: Yeah.

THE MAGISTRATE: Nobody's threatened you, promised you, or induced you to come in and admit to that, correct?

[APPELLANT]: No.

THE MAGISTRATE: Are you under the influence of any drugs or alcohol that are not prescribed to you?

[APPELLANT]: No.

THE MAGISTRATE: And you understand the consequences, right? Let me remind you.

So on your underlying case, that is a felony, your GSI, so a felony of the third degree so – or fourth degree I guess it was in that one. So you can go to the Ohio – Ohio Department of Youth Services on a commitment for six months up to your 21st birthday. On the new case, the grand theft of a motor vehicle, that's also a felony of the fourth degree; so I can invoke a commitment to the Department of Youth Services for a minimum of six months up to your 21st birthday.

I can run those cases concurrent which means at the same time, consecutive which means one after the other. Do you understand that?

[APPELLANT]: Yeah.

THE MAGISTRATE: Okay. So that's the maximum that can happen.

I can also place you on probation. I can place you on community control, order you to do certain things similar to what you're doing in your 24 case; go to treatment, attend different programs, comply with terms of your placement, I can remove you from your home, which you've already had done, place you in a foster home, place you in different treatment facilities. You understand that that can happen?

[APPELLANT]: Yeah.

THE MAGISTRATE: Okay. Any questions about what potential consequences can happen –

[APPELLANT]: No.

THE MAGISTRATE: * * *

And you still want to admit even knowing these things?

[APPELLANT]: Yeah.

THE MAGISTRATE: All right. Any statements of fact that you want to tell me what was happening back in August or September that led up to these?

[APPELLANT]: No.

THE MAGISTRATE: Okay. And then, Ms. Chisnell, any further statement of fact from the State?

MS. CHISNELL: Nothing in addition to what's contained in the complaint, Your Honor.

THE MAGISTRATE: Okay. And then, Mr. Colquitt, any objection to the consideration of the information contained in both the complaint and the motion for facts?

MR. COLQUITT: No, Your Honor, no objection.

THE MAGISTRATE: And do you believe that your client is voluntarily and knowingly entering his plea of admission to not only the allegations in the motion to revoke, but the new complaint from Mahoning County?

MR. COLQUITT: I do, Your Honor.

THE MAGISTRATE: Thank you. And then, Mr. Poole, do you believe this is in [Appellant's] best interest?

MR. POOLE: I do, Your Honor.

THE MAGISTRATE: Okay. So anything else, [Appellant], that you want me to know about what happened leading up to this?

Okay. So with that then, I am going to accept your plea of admit for both the allegations and the new complaint. I am going to adjudicate you a probation violator in the 24 case, adjudicate you a delinquent child as to the one count of theft of a motor vehicle in the 25 case.

{¶5} Transcript of January 15, 2026 Adjudicatory Hearing, pp 5-9.

{¶6} Appellant admitted to the complaint and the magistrate adjudicated him a delinquent child. A dispositional hearing was scheduled for March 3, 2026, at which time the magistrate committed Appellant to the Ohio Department of Youth Services for a minimum period of 6 months to a maximum period not to extend beyond his 21st birthday. The juvenile court memorialized the adjudication and disposition via Judgment Entry filed March 4, 2026.

{¶7} It is from this judgment entry Appellant appeals, raising the following assignments of error:

I. THE JUVENILE COURT ERRED WHEN IT FAILED TO SUBSTANTIALLY COMPLY WITH JUV.R. 29(D), AND THUS IT ACCEPTED AN ADMISSION WHICH WAS NOT KNOWING,

INTELLIGENT, AND VOLUNTARY, IN VIOLATION OF THE U.S. CONST., AMENDS. V, XIV; OHIO CONST., AMENDS § 10, § 16; AND JUV.R. 29. (A-1; 1.15.2026 T. PP. 5-9).

II. D.B. WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL WHEN TRIAL COUNSEL FAILED TO OBJECT TO THE JUVENILE COURT'S DEFICIENT COLLOQUY. U.S. CONST., AMENDS. VI, XIV; OHIO CONST., ART. I, § 10. (A-1; 1.15.2026 T. PP. 5-9).

I

{¶8} In his first assignment of error, Appellant contends the juvenile court failed to substantially comply with Juv.R. 29(D), and erred in accepting Appellant's plea as such was not knowingly, intelligently, and voluntarily entered.

{¶9} The State concedes the juvenile court did not substantially comply with Juv.R. 29(D) and related constitutional provisions; thereby failing to determine whether Appellant's admission was voluntary and with the understanding of the nature of the allegations and the consequences of the admission as well as the rights he was waiving.

{¶10} Appellant's first assignment of error is sustained.

II

{¶11} In light of the State's concession to assignment of error I, Appellant's second assignment of error is moot.

{¶12} The judgment of the Licking County Court of Common Pleas, Juvenile Division, is reversed and the matter remanded for further proceedings consistent with this opinion and the law.

{¶13} Costs to State of Ohio.

By: Hoffman, P.J.

Baldwin, J. and

Montgomery, J. concur.