

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Appellee

Court of Appeals No. L-25-00250
L-25-00251
Trial Court No. CR-25-105
CR-25-137

v.

Joshua Turner

DECISION AND JUDGMENT

Appellant

Decided: September 11, 2026

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Lorrie J. Rendle, Assistant Prosecuting Attorney, for appellee.

Laurel A. Kendall, for appellant.

* * * * *

DUHART, J.

{¶ 1} In this consolidated appeal, appellant, Joshua Turner, appeals the August 1, 2025 judgments of the Lucas County Common Pleas Court. For the reasons that follow, we affirm.

Background

{¶ 2} On January 23, 2025, in case No. CR25-00105, Turner was indicted on one count of improperly discharging a firearm at or into a habitation or school safety zone, in violation of R.C. 2923.161(A)(1) and (C), a felony of the second degree (Count 1), five counts of felonious assault, in violation of R.C. 2903.11(A)(2), and (D)(1)(a), felonies of the second degree (Counts 2 – 6), and one count of improperly handling firearms in a motor vehicle, in violation of R.C. 2923.16(B) and (I), a felony of the fourth degree (Count 7). A 3-year firearm specification, pursuant to R.C. 2941.145(A) was attached to Counts 1 through 6.

{¶ 3} On January 29, 2025, in case No. CR25-00137, Turner was indicted on one count of aggravated trafficking in drugs, in violation of R.C. 2925.03(A)(2) and (C)(1)(d), a felony of the first degree (Count 1), one count of aggravated possession of drugs, in violation of R.C. 2925.11(A) and (C)(1)(c), a felony of the second degree (Count 2), one count of trafficking in LSD, in violation of R.C. 2925.03(A)(2) and (C)(5)(d), a felony of the second degree (Count 3), and one count of possession of LSD, in violation of R.C. 2925.11(A) and (C)(5)(c), a felony of the third degree (Count 4).

{¶ 4} On May 20, 2025, Turner entered pleas in both cases. In case No. CR25-00105, he entered a plea of guilty to Count 2, felonious assault, and the attendant firearm specification, and in case No. CR25-00137, he entered a plea of guilty to Count 1, aggravated trafficking in drugs. During the plea colloquy, Turner admitted that he

understood that, by pleading guilty, he was making a complete admission to the charges. Then, after Turner was asked what his plea was in each case, and he answered “Guilty,” the following conversation was had:

THE COURT: Now, for the felonious assault, the firearm specification and aggravated trafficking, why are you entering a guilty plea? It could be a simple answer. . . .

. . .

[TURNER]: Just everything that happened.

THE COURT: You’re admitting you committed these offenses?

[TURNER]: Yes, sir.

{¶ 5} The court then accepted Turner’s pleas and found him guilty of felonious assault in case No. CR25-00105, and the attached firearm specification, and guilty of aggravated trafficking in drugs in case No. CR25-00137. A nolle prosequi was to be entered with respect to the remaining counts in each case at sentencing.

{¶ 6} On June 6, 2025, Turner’s attorney filed a motion to withdraw as counsel and a motion to withdraw plea on Turner’s behalf. He explained that Turner’s request to withdraw his plea was because he felt the plea was “not in his best interest.” At a hearing with the court, Turner’s attorney explained that Turner was unhappy with his counsel in the matter, that the trust between them was broken, and that Turner was in communication with another attorney. Turner agreed that he wanted a different attorney and the court set the matter for another hearing. At that hearing, Turner’s attorney informed the court that Turner had decided to proceed with the plea. The court asked Turner if he wanted a different attorney and Turner stated, inter alia, that:

I'm not here to waste nobody's time or nothing like that. I just felt like the nature of the drug case, that's the only thing that I just didn't feel like - - I just feel like I'm subjected to take the drug case that isn't really - - that I shouldn't be taking, truthfully, but the lawyers keep saying just the drugs don't matter, but that's just something I still don't want on my record. I don't want nothing to do with no drugs or nothing like that. And that's a mandatory three to eleven years for something that really I truthfully don't think I should be charged for the charge.

{¶ 7} The motion to withdraw the plea was then withdrawn and it was agreed that Turner's original attorney would continue to represent him.

{¶ 8} Turner was sentenced on both cases on July 31, 2025. Prior to sentencing, Turner's attorney explained that they filed the motion to vacate the plea because Turner "said it's not my dope," but he explained pleading to both cases was "how the offer was couched." With respect to the aggravated trafficking charge, Turner's attorney also explained that "what happened here is that when they went to serve the warrant on the felonious assault discharging into habitation case, [Turner] - - to [Turner's] house over on Fleet Street, they got there, the drugs were there, he's there, there are other people there." The PSI report also states that Turner denied the drugs were his. With respect to the felonious assault charge, his attorney stated that "the felonious assaults that are part in there, my client had no idea who was in there and probably if he had been sober and that thought for fifteen minutes he would have never done anything quite as stupid as this, but it happened."

{¶ 9} The court then sentenced Turner to a minimum of six years and a maximum term of nine years for Count 2 in case No. CR25-00105, as well as an additional term of

three years for the gun specification, to be served consecutively. He was sentenced to a minimum prison term of three years and a maximum term of four and a half years for Count 1 in case No. CR25-00137, to be served concurrently to his sentence in case No. CR25-00105.

{¶ 10} Turner appealed each case to this court, and the appeals were consolidated.

Turner raises the following assignment of error.

The trial court committed reversible error when it accepted a plea to aggravated trafficking in drugs and felonious assault without a formal presentation of facts on the record as arguably required by Crim.R. 11(C), or in the alternative, according to the requirements of an effective *Alford* plea.

Analysis

{¶ 11} In his sole assignment of error, Turner argues that the trial court erred in accepting his plea without a formal presentation of the facts. Turner contends that this is required by Crim.R. 11(C), or alternatively, as a necessary requirement of a plea made pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970). He acknowledges that, because this alleged error was not raised in the trial court, we review for plain error.

Criminal Rule 11(C)

{¶ 12} At his plea hearing, Turner entered a guilty plea. “A defendant’s decision to enter a guilty plea must be knowing, intelligent and voluntary.” *State v. Gowdy*, 2025-Ohio-5575, ¶ 18, citing *State v. Dangler*, 2020-Ohio-2765, ¶ 10. “Because a no-contest or guilty plea involves a waiver of constitutional rights, a defendant’s decision to enter a

plea must be knowing, intelligent, and voluntary. If the plea was not made knowingly, intelligently, and voluntarily, enforcement of that plea is unconstitutional.” (Citations omitted.) *State v. Hills*, 2026-Ohio-959, ¶ 8 (6th Dist.). Crim.R. 11(C) sets forth the procedures a trial court must follow when accepting pleas and “ensures an adequate record on review by requiring the trial court to personally inform the defendant of his rights and the consequences of his plea and determine if the plea is understandingly and voluntarily made.” *Dangler* at ¶ 11, citing *State v. Stone*, 43 Ohio St.2d 163, 168 (1975). Specifically, Crim.R. 11(C)(2) requires a trial court to personally address a defendant at the plea hearing and:

(a) Determin[e] that the defendant is making the plea voluntarily, with understanding of the nature of the charges and of the maximum penalty involved, and if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing.

(b) Inform[] the defendant of and determine[e] that the defendant understands the effect of the plea of guilty or no contest, and that the court, upon acceptance of the plea, may proceed with judgment and sentence.

(c) Inform[] the defendant and determine[e] that the defendant understands that by the plea the defendant is waiving the rights to jury trial, to confront witnesses against him or her, to have compulsory process for obtaining witnesses in the defendant’s favor, and to require the [S]tate to prove the defendant’s guilt beyond a reasonable doubt at a trial at which the defendant cannot be compelled to testify against himself or herself.

{¶ 13} When an appellant seeks to vacate his plea on the basis that the plea was not entered in a knowing, intelligent, and voluntary manner due to the trial court’s failure to comply with Crim.R. 11, the questions to consider 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[n appellant] from the burden of demonstrating prejudice? and (3) if a showing of prejudice is required, has the [appellant] met that burden?” *Dangler* at ¶ 17. Generally, an appellant must show prejudice to have his plea vacated unless the trial court fails to explain a constitutional right in Crim.R. 11(C)(2)(c) or completely fails to comply with any portion of Crim.R. 11(C). *State v. Lucas*, 2025-Ohio-5303, ¶ 13 (6th Dist.), quoting *State v. Johnson*, 2023-Ohio-2008, ¶ 14 (6th Dist.). “The test for prejudice is ““whether the plea would have otherwise been made.””” *Id.*, quoting *Johnson* at ¶ 17. We generally conduct a de novo review to determine whether the trial court complied with Crim.R. 11 when accepting a plea. *Hills* at ¶ 7, quoting *State v. Acosta*, 2023-Ohio-737, ¶ 18 (6th Dist.).

{¶ 14} Turner concedes that the trial court explained his constitutional rights, however, he contends that “without a statement of facts on the record, [he] arguably did not understand the nature of the charges and how the facts of the incidents provide a basis for the plea.”

{¶ 15} Generally, a plea of guilty “has been regarded as an admission of every material fact well pleaded in the indictment, *dispensing with the necessity of proving them, and authorizing the court to proceed to judgment.*” (Emphasis in original.) *State v. Carrisales*, 2018-Ohio-520, ¶ 17 (6th Dist.), quoting *State v. Blevins*, 2016–Ohio–8382, ¶ 18 (6th Dist.). Moreover, we have previously stated that “[a] trial court is not required pursuant to Crim.R. 11(C) to set forth any factual basis for a guilty plea during a plea hearing. Indeed, the [S]tate’s recitation of a statement of facts underlying the charges is

not necessary for a trial court to determine that a defendant understood the nature of the charges.” (Citations omitted.) *State v. Burley*, 2024-Ohio-4719, ¶ 16 (6th Dist.). Thus, a statement of facts was not required for a guilty plea under Crim.R. 11¹ and Turner has not raised any other argument in support of a finding that he did not understand the nature of the charges. Nor do we find any evidence to support such a finding. We note that the trial court fully explained the charges to which Turner was pleading and his written plea form stated that “[t]he charges have been explained to me by my attorney and the Court. I understand the nature of the charges and the possible defenses I might have.” We therefore find the trial court did not err in finding that Turner understood the nature of the charges.

{¶ 16} Turner also asserts that the trial court did not explain the maximum penalty he would have potentially faced without the plea. He does not dispute that he was informed of the maximum penalty for the charges to which he was pleading guilty; rather, he suggests that the trial court was required to explain that maximum penalty that he would have faced had he not pled guilty. He does not cite to any case law in support of this assertion, and it does not appear to be what the law requires. Our review of legal

¹ Turner cites to *State v. Nevels*, 2020-Ohio-915 (8th Dist.) as persuasive authority for the proposition that, because the court accepted his plea without inquiring into the factual basis of the plea, his plea was not made knowingly, voluntarily or intelligently. However, that case is not similar to this case. There, Nevels made claims of innocence, prior to the court accepting his plea, one contemporaneously with his plea, and the appellate court found that “[u]nder the unique circumstances presented [t]here,” the trial court erred. Those circumstances are not present here.

authority reveals that “the phrase ‘maximum penalty’ in Crim.R. 11(C)(2)(a) refers to the charges for which [the defendant is] entering a plea,” and therefore the trial court is only required to inform the defendant “of the maximum penalty associated with the charges to which he [is] entering guilty pleas to comply with Crim.R. 11(C)(2)(a).” *Hills*, 2026-Ohio-959 at ¶ 30 (6th Dist.), quoting *State v. Davis*, 2025-Ohio-1188, ¶ 13 (8th Dist.).

{¶ 17} After review of the plea transcript, we find that the trial court complied with Crim.R. 11, and that Turner’s plea was knowing, intelligent and voluntary. However, even if the trial court did not fully comply with Crim.R. 11, as Turner has not alleged either a failure to explain a constitutional right in Crim.R. 11(C)(2)(c) or a complete failure to comply with any portion of Crim.R. 11(C), he is required to establish that he was prejudiced by the trial court’s failure. He has not made any such showing.

{¶ 18} We therefore find that Turner has not established that his plea was not made knowingly, intelligently, and voluntarily.

Alford Plea

{¶ 19} Turner additionally maintains that the statements made at sentencing “arguably amount to an Alford plea, because they serve as an admission of the felonious assault charge (without specifying facts), . . . but cast doubt on [Turner’s] guilt as to the drug charges,” and when one enters an *Alford* plea, the trial court is obligated to “inquire into the factual basis surrounding the charges to determine whether the defendant is making an intelligent and voluntary guilty plea.”

{¶ 20} “An *Alford* plea is a plea of guilty with contemporaneous protestation of innocence.” *State v. Luna*, 2020-Ohio-3211, ¶ 8 (6th Dist.), quoting *State v. Hutchison*, 2018-Ohio-200, ¶ 55 (5th Dist.). “[T]o trigger *Alford*, the defendant ‘must actually state his innocence on the record when entering a guilty plea’” *State v. Callahan*, 2024-Ohio-5621, ¶ 27 (6th Dist.), quoting *State v. McClelland*, 2021-Ohio-3018, ¶ 19 (7th Dist.).

{¶ 21} Here, the record does not demonstrate that Turner entered an *Alford* plea. An *Alford* plea is not referenced either at the hearing, or in the plea agreement. More importantly, Turner did not make any *contemporaneous* protestation of innocence. To the contrary, at the plea hearing, Turner admitted to committing the offenses, and in the plea agreement he acknowledged that by pleading guilty, he was admitting that he committed the offense. It was not until after his plea was entered and accepted that Turner made any claims that he did not commit the trafficking offense. Therefore, we do not find that the trial court was subject to any requirements relating to an *Alford* plea at the time it accepted Turner’s pleas.

{¶ 22} For the above reasons, we find Turner’s sole assignment of error not well-taken.

Conclusion

{¶ 23} The judgments of the Lucas County Court of Common Pleas are affirmed. Pursuant to App.R. 24, Turner is hereby ordered to pay the costs incurred on appeal.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Thomas J. Osowik, P.J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.
