

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

State of Ohio

Court of Appeals No. {48}L-25-00175

Appellee

Trial Court No. CR0202402145

v.

Rodney Woodley

DECISION AND JUDGMENT

Appellant

Decided: September 25, 2026

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Evy M. Jarrett, Assistant Prosecuting Attorney, for appellee.

Tyler Naud Jechura, for appellant.

* * * * *

OSOWIK, J.

{¶ 1} Defendant-appellant, Rodney Woodley, appeals the July 3, 2025 Judgment Entry of the Lucas County Court of Common Pleas, sentencing him to 360 days at the Corrections Center of Northwest Ohio and 180 days at the Corrections Treatment Facility, as part of a three-year community control sentence, after he pled no contest to trafficking in cocaine and having weapons while under disability. For the following reasons, we affirm the judgment of the trial court.

I. Background

{¶ 2} On August 13th, 2024, defendant-appellant, Rodney Woodley was indicted on four counts—(1) trafficking in cocaine in violation of R.C. 2925.03(A)(2) and (C)(4)(a), a felony of the fifth degree, with an attached one year gun specification; (2) possession of cocaine in violation of R.C. 2925.11(A)(2) and (C)(4)(a), a felony of the fifth degree, with an attached one year gun specification; (3) having weapons under disability in violation of R.C. 2923.13(A)(3) and (B), a felony of the third degree; and (4) illegal manufacture of drugs in violation of R.C. 2925.04(A)(C)(1)(c)(2), a felony of the second degree.

{¶ 3} After months of pre-trials, continuances, and several changes of counsel, appellant entered a no contest plea on May 19th, 2025, to trafficking in cocaine and having weapons while under disability. All other charges were dropped. The trial court accepted this plea and set the matter for sentencing. On June 24th, 2025, the trial court sentenced appellant to 360 days at the Corrections Center of Northwest Ohio and 180 days at the Corrections Treatment Facility as part of a three-year community control sentence.

{¶ 4} Appellant appeals this decision and presents one assignment of error for our review:

- I. DID THE TRIAL COURT COMMIT PLAIN ERROR WHEN IT FAILED TO ALLOW THE APPELLANT TO REPRESENT HIMSELF PRO SE?

II. ANALYSIS

{¶ 5} In his sole assignment of error, appellant argues that the trial court reversibly erred when it denied his requests to represent himself pro se.

{¶ 6} “The Sixth Amendment * * * guarantees that a defendant in a state criminal trial has an independent constitutional right of self-representation and that he may proceed to defend himself without counsel when he voluntarily, and knowingly and intelligently elects to do so.” *State v. Gibson*, 45 Ohio St.2d 366, (1976), paragraph one of the syllabus, citing *Faretta v. California*, 422 U.S. 806 (1975). “A criminal defendant must ‘unequivocally and explicitly invoke’ the right to self-representation.” *State v. Obermiller*, 2016-Ohio-1594, ¶ 29, quoting *State v. Cassano*, 2002-Ohio-3751, ¶ 38. “Requiring that a request for self-representation be both unequivocal and explicit helps to ensure that a defendant will not ‘tak[e] advantage of and manipul[at]e the mutual exclusivity of the rights to counsel and self-representation.’” *Id.*, quoting *United States v. Frazier–El*, 204 F.3d 553, 559 (4th Cir. 2000). “Proper invocation of the right to waive counsel also depends on the timeliness of the request.” *Id.* at fn. 1, citing *Cassano* at ¶ 37, 40. “[A] request for self-representation can be denied when the request is untimely.” *State v. Neyland*, 2014-Ohio-1914, ¶ 76. “Because the right to the assistance of counsel and the right of self-representation are mutually exclusive, courts must ‘indulge every reasonable presumption against a waiver’ of the right to counsel.” *State v. Vandersommen*, 2016-Ohio-7342, ¶ 5 (6th Dist.); see also *Obermiller* at ¶ 29.

{¶ 7} “If a trial court denies the right to self-representation, when properly invoked, the denial is per se reversible error.” *Cassano* at ¶ 32, citing *State v. Reed*, 74 Ohio St.3d 534, 535 (1996), citing *McKaskle v. Wiggins*, 465 U.S. 168, 177, fn. 8. (1984). However, if a request is untimely or unclear, a trial court may, in its discretion, deny the request. *See State v. Halder*, 2007-Ohio-5940, ¶ 50 (8th Dist.).

{¶ 8} Appellant supports his argument that the trial court erred by refusing to let him represent himself pro se by specifically looking to three instances throughout the pendency of his criminal proceedings—the December 2, 2024 pre-trial hearing; the April 23, 2025 pre-trial hearing; and the June 11, 2025 continued sentencing hearing. We will address each instance in order.

December 2, 2024

{¶ 9} Appellant argues that he requested to represent himself pro se at the December 2, 2024 pretrial hearing. However, upon reviewing the transcript for this hearing, there is no reference to self-representation or any discontentment with his counsel. In fact, at this hearing, appellant appeared with a new attorney and confirmed that he would keep his appointments with this new attorney to avoid future continuances. Accordingly, appellant did not clearly and unequivocally request to represent himself at this hearing.

April 23, 2025

{¶ 10} Appellant next cites to the April 23, 2025 pretrial hearing and his statement, “I would like to represent myself pro se—.” However, the full context of

appellant's exchange with his attorney and the court paints a more accurate picture of what appellant was asking for:

Counsel: First of all I need to espouse the Court of some of Mr. Woodley's thoughts.

He is telling me that he wishes to file a motion to quash the indictment. I cannot find a legal reason that would permit me to do that, but he is still wishing to do that.

I described to him the way that can happen. Obviously that is up to this Court, but he would like to do that pro se and have me on as Advisory Counsel.

The Court: You are entitled to an attorney, or you can go pro se or you have an attorney there. There is no hybrid representation. The attorney has an obligation to follow the rules of Court.

One of the rules is not to file frivolous motions, and that's up to the attorney to do that assessment.

So, Mr. Studer, I assume that's what you are alluding to as far as he's asking you to do something that you are not comfortable doing because you don't feel it is appropriate based on your assessment of the facts and evidence in your legal training, correct?

Counsel: That's correct.

* * *

Counsel: I do believe that Mr. Woodley wants to be heard as to being able to file that motion, correct?

Defendant: Yes, Your Honor. I would like to file a Criminal Rule 12C2. I can have it in in about seven days.

Counsel: Did you hear what he told you?

The Court: Your attorney is standing right there.

Counsel: Yeah, you said that's what you want to do. He said you can represent yourself pro se or me, but I am not going to file the motion. I can't.

Defendant: I would like to represent myself pro se---

Counsel: You understand that that's—

Defendant: --and file my motion.

The Court: The trial date is set May 19th. What happens between now and then will determine what happens on May 19th....

{¶ 11} First, regardless of how the request is characterized, in this instance, the trial court did not *deny* appellant’s request, the court merely postponed consideration until the trial date—“what happens between now and then will determine what happens on May 19th.” *See Obermiller*, 2016-Ohio-1594, at ¶ 34.

{¶ 12} Turning to appellant’s request. While we agree with appellant that he *did* ask to represent himself pro se, when looking at the transcript as a whole, it can be inferred that he made this request strictly so he could file a pro se motion that his attorney would not file, while keeping his attorney in a hybrid representation for all other matters. This interpretation of the request was confirmed by the trial court and never disputed by appellant before the court.

{¶ 13} The Supreme Court of Ohio has made clear that “[n]either the United States Constitution, the Ohio Constitution nor case law mandates * * * hybrid representation. *See McKaskle v. Wiggins* (1984), 465 U.S. 168. Although appellant has the right either to appear *pro se* or to have counsel, he has no corresponding right to act as co-counsel on his own behalf.” *State v. Martin*, 2004-Ohio-5471, ¶ 31, quoting *State v. Thompson*, 33 Ohio St.3d 1, 6–7 (1987). Therefore, appellant’s request at this hearing was not an unequivocal invocation of the right to self-representation. *See Cassano*, 2002-Ohio-3751, ¶ 37-38.

{¶ 14} Finally, *even if* this court generously interpreted any ambiguity in appellant’s favor and viewed it as a request to strictly proceed pro se, later in the hearing, the court confirmed that counsel was still representing appellant and appellant never objected:

The Court: Mr. Studer, you are still Counsel of Record so –

Counsel: I would assume so, Judge, and I will be working all the way through like I normally would.

The Court: That’s fine.

{¶ 15} Appellant never re-asserted his request for self-representation and the proceedings continued with appellant represented by counsel. Accordingly, any request for self-representation was waived “by acquiescing in counsel’s representation.”

Obermiller, 2016-Ohio-1594, at ¶ 31; *see also Cassano* at ¶ 42; *McKaskle* at 182.

June 11, 2025

{¶ 16} Between the April 23, 2025 pre-trial and the following exchange, appellant, while represented by counsel, pled no contest to one count of trafficking in cocaine and one count of having weapons while under disability. The matter was set for sentencing on June 11, 2025. However, on May 29, 2025, appellant, acting pro se but labeling the motion as “by and through counsel,” filed a motion to withdraw his plea claiming that he did not understand the collateral consequences of the plea, his counsel was ineffective, and there was undue pressure from counsel to plea. The scheduled June 11, 2025 sentencing hearing became a hearing to discuss appellant’s motion.

{¶ 17} In his brief, appellant cites to the following exchange from the June 11, 2025 hearing to support his argument that he unequivocally requested to represent himself pro se:

The Court: ... Mr. Studer, you are Counsel of Record, correct?

Counsel: Correct.

The Court: There was a plea, and now there's a motion on the record. But that motion was not filed by you, correct?

Counsel: Correct, Judge.

The Court: All right. So, Mr. Studer, I will defer to you. You spoke to Mr. Woodley about that. You kind of understand where I am going with my questions, but I'm setting it up so you can tell me what is expected from the Defense next.

Counsel: Right. I have had the required discussion, Judge. He would like to remove the Public Defender's Office and have the motion stand as is.

That's been his request. That's what he wants to do. I have explained to him my rationale. He has his own rationale. That's what he wants to do, so I would ask you grant that request to proceed pro se. He does not want our services anymore.

The Court: All right. Mr. Woodley, other than Mr. Studer or Ms. Flynn representing you, is there an issue with a different attorney being appointed or you want to represent yourself?

Defendant: I want to represent myself...

{¶ 18} While this excerpt may seem like appellant is explicitly requesting to represent himself in this matter, the remainder of the exchange provides necessary context for appellate review:

Defendant: I want to represent myself but if I could have -- I know its (sic) late in the case and I need possible time to pay --

The Court: I have no idea what you said there, what you meant by that.

Defendant: Beg your pardon?

The Court: I have no idea what you are saying to me.

Defendant: I said I want to represent myself, but I know it's late in the case, *but if I have* (sic) *could have a little bit more time to try to get a paid attorney*. [Emphasis added.]

The Court: All right. Well, I have several, air quote, paid attorneys that are here that take appointments. My understanding is you are not financially able to actually hire your attorney at this moment, correct?

Defendant: I could probably try to borrow money from a family member to help me with this case....

{¶ 19} The court engaged in discussion with the attorneys about the matter and permitted the public defender's office to withdraw from the case. The court then appointed a new attorney to represent appellant. Appellant's new counsel requested a continuance of the sentencing. The trial court granted the continuance and then turned to address appellant:

The Court: Mr. Woodley, sounds like you guys took care of this, but make sure Mr. Crowther has a good way to contact you because that's not a lot of time between now and then so -- June 24th at 1:00.

Mr. Woodley, when you see his phone calls come in please make sure to answer those phone calls or get back to Mr. Crowther as soon as possible. It's not a lot of time between now and then, and we need to really properly have time to address it.

Defendant: Thanks a lot.

{¶ 20} The full exchange between the trial court, appellant, and his two attorneys make it clear that appellant did not request to represent himself pro se, rather, he wanted to remove his attorney from the public defender's office and continue his sentencing to

hire private counsel. This is not a clear or unequivocal invocation of his right to self-representation.

{¶ 21} We could stop the analysis there. However, given the timing of appellant's request at what was supposed to be a sentencing hearing, we also find that this request was untimely.

{¶ 22} “Assertions of the right to self-representation must also be balanced ‘against considerations of judicial delay.’ In fact, ‘[e]ven a clear request made prior to trial may be denied when it ‘is merely a tactic to secure a delay in the proceeding.’” *State v. Knuff*, 2024-Ohio-902, ¶ 55, quoting *United States v. Powell*, 847 F.3d 760, 774 (6th Cir. 2017) (Cleaned up.). Some factors that affect the timeliness determination include: “the need for a continuance if the motion is granted, the number of previous defense-requested continuances, the length of time the case has been pending, any previous expressions of dissatisfaction with counsel by the defendant, and the complexity of the case.” *Id.* at ¶ 62. Additionally, “[a] request for self-representation may be denied when circumstances indicate that the request is made for purposes of delay or manipulation of the trial process.” *State v. Dean*, 2010-Ohio-5070, ¶ 68, citing *United States v. Frazier–El* 204 F.3d 553, 559 (4th Cir. 2000).

{¶ 23} While this court declines to speculate as to whether appellant intended to manipulate the trial process with his request, it is clear that he did intend to delay the process to either proceed pro se or retain counsel. This case had been pending for nearly a year due to numerous continuances, often at the request of appellant for reasons such as

to seek counsel or allow new counsel to get up to speed on the case. The trial judge had made the age of the case a concern throughout the hearings—for example, on April 9, 2025 the court stated: “[t]his case was arraigned back in September, so it’s starting to get very old. * * * Because of [the] age of the case we are going to have to go ahead and set a trial date. It is already beyond the age limit....” Additionally, appellant had already pled no contest—this hearing was supposed to be appellant’s sentencing. While the State of Ohio has no bright-line rule on what constitutes timeliness, looking to the facts of this case, we conclude that appellant’s request was untimely. *See e.g., Knuff*, 2024-Ohio-902 at ¶ 63 (where the appellant’s request to represent himself was untimely because he indicated that he might need “a month or two” to gather things, the case had been pending 21 months, the request was made eight days before the trial was scheduled to begin, appellant had already been granted three continuances, and appellant had not previously indicated any dissatisfaction with counsel).

III. Conclusion

{¶ 24} In sum, while appellant repeatedly changed his mind on how he wanted to move forward with his case, he never made a timely or unequivocal assertion that he wanted to invoke his right to self-representation. “[C]ourts must ‘indulge every reasonable presumption against a waiver’ of the right to counsel.” *Vandersommen*, 2016-Ohio-7342, at ¶ 5 (6th Dist.). For these reasons, we conclude that the trial court did not deny appellant his right to self-representation and find appellant’s sole assignment of error not well-taken.

{¶ 25} Accordingly, we affirm the July 3, 2025 Judgment Entry of the Lucas County Court of Common Pleas. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

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/.
