

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 115768
	:	
v.	:	
	:	
CATRELL ALLEN,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: September 17, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-24-693653-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, Morgan E. Austin and John D. R-R. Kirkland, Assistant Prosecuting Attorneys, *for appellee*.

Charles Ruiz-Bueno Co., L.P.A. and J. Charles Ruiz-Bueno, *for appellant*.

DEENA R. CALABRESE, J.:

{¶ 1} Defendant-appellant Catrell Allen (“Catrell”) appeals the trial court’s decision denying his presentence motion to withdraw his guilty plea. Finding no merit to the appeal, we affirm.

I. Facts and Procedural History

{¶ 2} On July 26, 2024, the Cuyahoga County Grand Jury returned a 140-count indictment charging Catrell and Carlton Allen (“Carlton”) with multiple offenses pertaining to armed robberies of Cleveland pharmacies.¹ Both drugs and cash were stolen during the robberies. The charges included aggravated robbery, theft of drugs, drug trafficking, and engaging in a pattern of corrupt activity. Nearly all of the counts contained firearm specifications.

{¶ 3} Catrell appeared with counsel for arraignment on August 16, 2024. He entered a plea of not guilty and was released on bond subject to GPS monitoring.

{¶ 4} Trial was scheduled for January 13, 2025. Three days before trial, however, the sole attorney representing both Catrell and Carlton filed a motion to withdraw for health-related reasons. The trial court granted the motion on the scheduled trial date, and assigned separate counsel to Catrell and Carlton the same day.

¹ Catrell and his codefendant brother, Carlton, were indicted in the same case and appeared together before the trial court. Carlton’s case is the subject of a companion appeal, *State v. Allen*, 8th Dist. Cuyahoga No. 115822. The indictment also named a third defendant, Ja’Brian Howard. Unlike the Allen brothers, however, Howard appeared separately before the court.

{¶ 5} After further pretrials, trial was reset for June 9, 2025. Trial was nevertheless continued again because defense counsel and the State were engaged in another trial. Trial was rescheduled for July 16, 2025.

{¶ 6} The parties appeared for trial on July 16, 2025. The trial court noted that the State had offered a plea deal and asked that the terms be placed on the record. The State indicated that the offered plea agreement contemplated that Catrell would plead guilty to 12 counts, some with firearm specifications, and noted that there was “an agreed recommended range for sentencing on Carlton Allen of 18 to 28 years and agreed recommended range of 15 to 25 years for Catrell.” (Tr. 7.)

{¶ 7} After the State placed the plea terms on the record, counsel for Catrell and Carlton stated that their clients’ family wanted to discharge them and retain new counsel. Carlton’s attorney spoke first, noting that he and counsel for Catrell had been appointed approximately seven months before trial and in that time had “digested a voluminous amount of discovery” that they “attempted to communicate . . . to [their] clients.” (Tr. 10.) They also performed “extensive legal research” to determine what the trial court would “be mandated as a floor to give” them if they lost at trial, ultimately concluding that the answer was a minimum of 38 years and nine months. (Tr. 10-11.)

{¶ 8} Carlton’s attorney stated that while his client had come in that morning “inclined to resolve his case,” Catrell was not willing to take the package plea deal and, as a result, neither defendant would be able to plead. Carlton’s attorney stated that they had tried to involve the family, but family members had ultimately

“counseled these young men not to engage in plea negotiations” and had informed counsel “that they wish for us to be discharged and that they intend on hiring their own private counsel.” (Tr. 12.) Carlton’s attorney acknowledged that he had told the family that “this case has been languishing on the docket for some period of time” but told the court that he believed he was required to make a formal motion to withdraw. (Tr. 12.)

{¶ 9} Catrell’s counsel echoed these remarks, though she explicitly noted that the request for a change of counsel came “not through [her] client,” but “through the [family] representative[.]” (Tr. 12.)

{¶ 10} The trial court then addressed the defendants directly. For purposes of this appeal, we focus on its conversation with Catrell:

THE COURT: Have you been provided all discovery in this case and do you understand the charges against you, Catrell?

DEFENDANT CATRELL ALLEN: No, I have not really been showed all the discovery.

THE COURT: What do you think you’ve been — how do you know that?

DEFENDANT CATRELL ALLEN: I don’t know because I can’t speak.

THE COURT: You don’t know what’s against you, is that what you’re saying?

DEFENDANT CATRELL ALLEN: Yeah, like the evidence.

...

THE COURT: So you’re saying . . . that your attorneys, who are both very well known in this building as being reputable attorneys who do their jobs, you’re saying both of them never discussed with you discovery in this case?

...

DEFENDANT CATRELL ALLEN: They showed me some evidence but they never really told me what they had against me. What evidence they have, they showed me the same stuff they showed [Carlton], the videos and the house about the same thing.

(Tr. 13 and 15.)

{¶ 11} Catrell also stated that he “was trying to get [his] case separated” from his brother’s but did not know whether his attorneys were working with him to achieve that. (Tr. 16.) The following exchange occurred:

THE COURT: Okay. And that’s because the State of Ohio made that decision, not your attorneys. Your attorneys would make that request. *I was there when they made that request.* The State of Ohio said no.

DEFENDANT CATRELL ALLEN: Okay.

(Emphasis added.) (Tr. 16.)

{¶ 12} With respect to the work put into the case in preparation for trial, as well as her client’s knowledge of the plea agreement particulars, Catrell’s counsel stated:

There have been meetings, there have been meetings that were set up that were — did not end up happening, *but they have had ample opportunity to speak to us and go over discovery.* We have gone over the plea agreements with them, from looking at my file it looks like we were assigned back in January and I believe [prosecutor] sent us an initial plea mark probably in like April, so they’ve known about what these marks have been. My mark has not changed for my client. And in fact, [Carlton’s] got a little better, so we have told them what the marks were and we’ve been working towards this trial date.

(Emphasis added.) (Tr. 18-19.)

{¶ 13} The trial court concluded that it had “heard nothing today that would lead [it] to believe that these attorneys should be discharged from their duties” and that both defendants “had ample time and opportunity” before the trial date “to hire

private counsel to represent you and have chosen not to do so.” (Tr. 19.) The trial court announced its intention to proceed with voir dire.

{¶ 14} After a recess, the trial court brought in the prospective jury members, introduced the parties and counsel, briefly explained the jury-selection process, and again recessed. The trial court informed the jury that they would be brought up at 1:15 p.m. to begin voir dire.

{¶ 15} When proceedings resumed that afternoon, however, the State indicated the plea offer had been amended to lower the recommended sentencing range for Catrell: “There is one amendment. The substantive counts are still the same in the plea offer, however, we reached a new agreed recommended range for Catrell Allen of 13 to 20 years. . . . The only change is the recommended range for Catrell Allen.” (Tr. 26.)

{¶ 16} The trial court then began a plea colloquy, indicating that although it would question Catrell and Carlton together, it expected them to answer in turn rather than at the same time. The trial court established the defendants’ ages and levels of education. It further established that neither was under the influence of drugs, alcohol, or any other substance that might affect their understanding of the proceedings.

{¶ 17} Asked whether he had been subjected to any threats or whether his plea was induced by any promises apart from what had been stated on the record, Catrell initially answered in the affirmative and expressed some confusion:

THE COURT: . . . Has anyone threatened or promised you anything to enter this plea besides what's been stated on the record?

. . .

DEFENDANT CATRELL ALLEN: Yes.

THE COURT: Something different that's been stated on the record? Sir, is there anything different — so that agreed recommended sentence is 13 to 20 years. Are you saying something different was promised to you?

DEFENDANT CATRELL ALLEN: It wasn't a promise. They told me a plea — I'm sorry, I can plead guilty and give him more time.

(Tr. 29.) The trial court followed up immediately:

THE COURT: . . . I don't know how they can give him more time, but do you understand that right now, there is an agreed sentence? I'm going to abide by those agreements, right?

DEFENDANT CATRELL ALLEN: Yes.

THE COURT: And do you think there's going to be — something else is going to happen besides that?

DEFENDANT CATRELL ALLEN: No.

(Tr. 29-30.)

{¶ 18} Asked whether he had sufficient time to consult with his attorney prior to entering his plea, Catrell answered yes. When asked if he was satisfied with counsel's representation, he answered yes once again. Catrell also confirmed that he understood the allegations against him.

{¶ 19} The trial court then explicitly asked the defendants if they understood that entering a plea of guilty constitutes a complete admission of guilt:

THE COURT: Do you understand that a plea of guilt to the plea agreement is a complete admission of your guilt?

...

DEFENDANT CATRELL ALLEN: I'm sorry, can you say that again?

THE COURT: Okay. Do you understand that a guilty plea is a complete admission of your guilt?

DEFENDANT CATRELL ALLEN: Yes.

(Tr. 30-31.)

{¶ 20} The trial court then walked through the charges and possible penalties, making it clear at the outset that it intended to abide by the agreed minimum sentencing range. It further explained the Reagan Tokes Law (R.C. 2929.144), postrelease control, and additional plea conditions. Asked whether he understood all the penalties the trial court described, Catrell answered, "Yes." (Tr. 36.)

{¶ 21} The trial court continued its colloquy by explaining the constitutional rights Catrell and Carlton would be waiving by entering guilty pleas rather than going to trial. Both confirmed that they understood. The trial court then stated:

THE COURT: Let the record reflect the defendants are making knowing, intelligent and voluntary decisions to withdraw their not guilty pleas and enter pleas of guilt.

(Tr. 47.) Catrell and Carlton then entered their guilty pleas, and the trial court scheduled sentencing for August 27, 2025.

{¶ 22} On August 12, 2025, Catrell filed a pro se motion to withdraw his guilty plea. He attached an affidavit in which he claimed that counsel refused to seek severance of his case from Carlton's, failed to prepare for trial, and badgered him

into agreeing to a plea for his brother's sake. He also claimed to be "completely innocent."

{¶ 23} Catrell did not appear for sentencing, and a capias was issued. He was taken into custody on September 13, 2025. The State subsequently filed an opposition brief to Catrell's motion to withdraw his guilty plea.

{¶ 24} Catrell appeared before the trial court on September 23. His attorney moved to withdraw, arguing that her hands were "completely bound" because of the accusations Catrell levied against her in his affidavit. (Tr. 61.) The trial court appointed new counsel for Catrell for purposes of the plea-withdrawal hearing, which it scheduled for October 8, 2025.

{¶ 25} Catrell's new counsel filed a supplemental motion to withdraw the guilty plea on October 6, 2025. The plea-withdrawal hearing went forward as scheduled, with Catrell represented by his new attorney. The trial court heard arguments. Catrell's contentions echoed those in his affidavit. He also added that he believed the State would not be prejudiced by withdrawal of the plea.

{¶ 26} The State argued that the case had been pending for a substantial amount of time, with multiple trial continuances at the request of the defense. It contended that "as time goes on, memories fade, witnesses move," and "[i]t absolutely would prejudice the State to delay these proceedings any further." (Tr. 69-70.) It further argued that there were no false promises made and that the plea colloquy itself demonstrated a lack of coercion. The State also indicated that family

members were present on the day of the plea and that Catrell had extensive discussions with them before deciding to enter a guilty plea.

{¶ 27} With respect to Catrell’s claim of innocence, the State remarked:

He asserts his innocence, however, many of these charges were captured on video of the suspects committing these offenses. The defendant was found in the home where many of these narcotics were recovered. His DNA was found on multiple firearms that the State intended to argue were used during these robberies to commit these robberies. So there is evidence of his guilt, and again, this is just a mere change of heart.

(Tr. 71.)

{¶ 28} The trial court denied Catrell’s motion on the record and scheduled sentencing for October 16, 2025. Sentencing proceeded on that date, and the trial court sentenced Catrell to a minimum term of 13 years in prison, with the maximum to be determined by the applicable Reagan Tokes tail.

{¶ 29} This timely appeal followed.²

II. Assignment of Error

{¶ 30} Catrell presents a single assignment of error for our review:

The trial court committed prejudicial error in denying Defendant Appellant’s motion to withdraw his guilty plea.

{¶ 31} We overrule Catrell’s sole assignment of error and affirm the trial court’s judgment.

² Catrell filed the timely notice of appeal pro se and attempted to represent himself, including filing a brief that failed to conform to the appellate rules. Appellate counsel was subsequently appointed, however, and briefing began anew.

III. Analysis

A. Introduction

{¶ 32} Catrell divides his assignment of error into two issues. First, he argues that Crim.R. 32.1 and precedent state that presentence motions to withdraw guilty pleas should be freely and liberally granted, and therefore the trial court abused its discretion in denying his motion. Second, he contends that the trial court erred in denying his motion to withdraw his guilty plea because, at the plea hearing, it had not adequately explained the effects of his guilty plea.

{¶ 33} Notably, Catrell did not argue below, in either his two written motions or during the plea-withdrawal hearing, that the trial court should have permitted him to withdraw his plea because the colloquy failed to comply with Crim.R. 11. In addition, he has not separately assigned error with respect to his claim that the trial court failed to fully comply with Crim.R. 11(C)(2)(b) or independently argue that his plea should be vacated as not entered knowingly, intelligently, and voluntarily. *See, e.g., State v. Fontanez*, 2024-Ohio-4579 (8th Dist.), *aff'd*, 2026-Ohio-3281. “Generally, an appellate court need not address an appellant’s argument if it is not set forth as an assignment of error in conformity with App.R. 12(A) and 16(A).” (Citations omitted.) *Fig as Custodian for Fig Ohio18, L.L.C. v. Lynch*, 2024-Ohio-3196, ¶ 39 (8th Dist.). An appellate court may nevertheless “reach the merits of an argument if the assignments of error were ‘readily discernable’ from the propositions of law, and where the opposing party responded as if the propositions

were assignments of error.” *Lynch* at ¶ 39, quoting *Eberhard Architects* at ¶ 16, citing *JPMorgan Chase Bank, N.A. v. Allton*, 2014-Ohio-3742, ¶ 6-7 (10th Dist.).

{¶ 34} In this case, Catrell argues in his second issue presented for review that the trial court failed to fully comply with Crim.R. 11. That argument is readily discernible from his propositions of law, and the State has responded as if it were a separate assignment of error, even characterizing Catrell’s argument as a contention that his plea “must be vacated” on that independent basis. (Appellee’s brief at p. 11.) We will therefore address the merits of Catrell’s Crim.R. 11 argument.

B. Compliance With Crim.R. 11(C)(2)(b)

{¶ 35} Because we treat the issue of compliance with Crim.R. 11(C)(2)(b) as a separate assignment of error, and because the resolution of that issue is relevant to at least one factor for evaluating whether the trial court abused its discretion in denying the plea-withdrawal motion (namely, whether Catrell was afforded a proper Crim.R. 11 plea hearing), we address this issue first.

{¶ 36} Crim.R. 11(B)(1) provides that a “plea of guilty is a complete admission of the defendant’s guilt.” Crim.R. 11(C)(2)(b) requires that during the plea colloquy, the trial court do the following:

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.

{¶ 37} During the plea colloquy, the trial court explicitly informed Catrell that a plea of guilty constitutes a complete admission of guilt. While we have already quoted this portion of the trial court’s colloquy in recounting the procedural history,

we excerpt it again to emphasize that the trial court provided the required advisement essentially verbatim:

THE COURT: Do you understand that a plea of guilt to the plea agreement is a complete admission of your guilt?

....

DEFENDANT CATRELL ALLEN: I'm sorry, can you say that again?

THE COURT: Okay. Do you understand that a guilty plea is a complete admission of your guilt?

DEFENDANT CATRELL ALLEN: Yes.

(Tr. 30-31.)

{¶ 38} Under applicable precedent, including the Ohio Supreme Court's affirmance in *State v. Fontanez*, 2026-Ohio-3281, of this court's en banc opinion in that case, the trial court's explicit advisement (and Catrell's response) terminates the inquiry.

{¶ 39} Catrell nevertheless argues that the trial court was required to place the factual basis for the plea on the record to comply with Crim.R. 11(C)(2)(b). This argument misinterprets governing law. *Fontanez* involved the issue created when a trial court does not expressly advise a defendant that a guilty plea constitutes a complete admission of guilt. The Ohio Supreme Court's opinion makes it clear that further inquiry is required only where the trial court "fails to explicitly state that a guilty plea constitutes a complete admission of guilt[.]" *Fontanez* at ¶ 47. There is no freestanding requirement that the trial court place the factual basis for the plea on the record. *State v. Heisa*, 2015-Ohio-2269, ¶ 11 (8th Dist.).

{¶ 40} In the present case, there was no failure to explicitly inform and therefore no need to further examine the plea colloquy. The trial court explicitly asked Catrell whether he understood that a guilty plea constituted a complete admission of guilt. Catrell asked the trial court to repeat the question. The trial court repeated the specific advisement, and Catrell indicated he understood. No further inquiry into compliance with Crim.R. 11(C)(2)(b) is necessary, and we find no merit to Catrell’s arguments concerning the trial court’s compliance with Crim.R. 11.

C. Crim.R. 32.1 Motion to Withdraw Plea

{¶ 41} Crim.R. 32.1 governs withdrawals of guilty pleas and states that “[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.” Generally, a motion to withdraw a guilty plea made before sentencing should be freely and liberally granted. *State v. Xie*, 62 Ohio St.3d 521, 527 (1992). We review the trial court’s denial of such a motion for an abuse of discretion:

“[T]he general rule is that motions to withdraw guilty pleas before sentencing are to be freely allowed and treated with liberality . . . still the decision thereon is within the sound discretion of the trial court. . . . Thus, unless it is shown that the trial court acted unjustly or unfairly, there is no abuse of discretion. . . . One who enters a guilty plea has no right to withdraw it. It is within the sound discretion of the trial court to determine what circumstances justify granting such a motion.”

(Citations omitted.) *State v. Peterseim*, 68 Ohio App.2d 211, 213-214 (8th Dist. 1980), quoting *Barker v. United States*, 579 F.2d 1219, 1223 (10th Cir. 1978). “[A]

defendant does not have an absolute right to withdraw a plea prior to sentencing. . . . [T]he trial court must conduct a hearing to determine whether there is a reasonable and legitimate basis for the withdrawal of the plea.” *Xie* at 527.

{¶ 42} “For us to find an abuse of discretion in this case, we must find more than an error of judgment. We must find that the trial court’s ruling was ‘unreasonable, arbitrary or unconscionable.’” *Xie* at 527, quoting *State v. Adams*, 62 Ohio St.2d 151, 157 (1980). Moreover, “the good faith, credibility and weight of the movant’s assertions in support of the motion are matters to be resolved by that court.” *Xie* at 525, quoting *State v. Smith*, 49 Ohio St.2d 261, 264 (1977). This is because “[t]he trial court was in a better position to evaluate the motivations behind the guilty plea than is an appellate court which is only reviewing a record of the hearing.” *Xie* at 525.

{¶ 43} This court has held that a trial court’s denial of a presentence motion to withdraw is not an abuse of discretion when the record reflects (1) the defendant is represented by highly competent counsel; (2) the accused was afforded a full hearing, pursuant to Crim.R. 11, before he or she entered the plea; (3) after the motion to withdraw is filed, the accused is given a complete and impartial hearing on the motion; and (4) the court gives full and fair consideration to the plea-withdrawal request. *Peterseim* at 866. The scope of the hearing “is dependent upon the facial validity of the motion itself,” and a motion consisting of “bold assertions without evidentiary support” does “not merit the type of scrutiny that substantiated

allegations would merit.” (Cleaned up.) *State v. Musleh*, 2017-Ohio-8166, ¶ 40 (8th Dist.).

{¶ 44} Ohio courts have also recognized additional, nonexhaustive factors that trial courts should consider when deciding a presentence motion to withdraw a plea. *State v. Walcot*, 2013-Ohio-4041, ¶ 19 (8th Dist.). These factors include “(5) whether the state will be prejudiced by the withdrawal; (6) whether the timing of the motion was reasonable; (7) the reasons for the motion; (8) whether the defendant understood the nature of the charges and [possible penalties]; and (9) whether the [defendant] was perhaps not guilty or had a complete defense[.]” *Id.* See also *State v. Fish*, 104 Ohio App.3d 236, 240 (1st Dist. 1995); *State v. Moore*, 2012-Ohio-5734, ¶ 13 (8th Dist.). No one factor is absolutely conclusive. *Fish* at 240; *Walcot* at ¶ 22. See also *State v. Barnes*, 2022-Ohio-4486, ¶ 16-17.

{¶ 45} Applying the *Peterseim* factors to this case, we first note that there was no dispute that Catrell was represented by highly competent counsel. This is, in fact, conceded on appeal. Catrell’s appellate counsel expressly states that his trial attorney is “known to the undersigned to be highly competent counsel under the *Peterseim* . . . standard.” (Appellant’s brief at p. 8.)

{¶ 46} Our independent review confirms that Catrell’s complaints regarding counsel, including those made in his affidavit, do not withstand scrutiny. While Catrell alleged that counsel had failed to adequately prepare for trial, this conflicts with Catrell’s own acknowledgment, prior to taking the plea, that counsel had shown him video footage and other evidence. It also conflicts with counsel’s statements

concerning meetings and discovery review, such as counsel’s statement on the record that both Catrell and his brother “have had ample opportunity to speak to [counsel] and go over discovery” and that the defendants and their attorneys had “been working towards this trial date” for months. (Tr. 18-19.) Indeed, as the State notes in its brief, Catrell remained free on bond and was therefore not subject to the logistical constraints facing defendants who remain in jail prior to trial.

{¶ 47} Furthermore, on the day of the plea, when trial was about to commence and Catrell made an effort to discharge his attorney, the trial court pressed him on whether he had an opportunity to review evidence with counsel. (Tr. 12-13.) Catrell’s responses consisted solely of evasion coupled with generic contentions — unverifiable, unfalsifiable, and therefore ultimately hollow — that his attorney had not shown him all of the State’s evidence against him.

{¶ 48} Catrell’s appellate counsel further concedes that while Catrell had argued that his trial counsel should have requested that his case be severed from his brother’s, this characterization of the procedural history, if accurate, was a “trial strategy and in the purview of trial counsel.” (Appellant’s brief at p. 8.) We question the accuracy only because, while no formal motion to sever was filed, the trial court specifically stated that it was present when Catrell’s attorney made precisely such a request.

{¶ 49} Finally, not only was counsel ready when jury selection commenced, but in further negotiations, counsel also secured an improved sentencing range for Catrell, from 15-25 years to 13-20 years, while the plea counts remained unchanged.

{¶ 50} With respect to the remaining *Peterseim* factors, we have already found no merit to Catrell's argument that the trial court failed to comply with Crim.R. 11(C)(2)(b), and he does not otherwise argue that he was not provided with a full Crim.R. 11 plea hearing. Catrell does argue that he was confused at the hearing with respect to whether any threats or promises were made. He cites the passage in which he appears to reference his brother:

THE COURT: . . . Has anyone threatened or promised you anything to enter this plea besides what's been stated on the record?

. . . .

DEFENDANT CATRELL ALLEN: Yes.

THE COURT: Something different that's been stated on the record? Sir, is there anything different — so that agreed recommended sentence is 13 to 20 years. Are you saying something different was promised to you?

DEFENDANT CATRELL ALLEN: It wasn't a promise. They told me a plea — I'm sorry, I can plead guilty and give him more time.

(Tr. 29.) Catrell neglects to mention that the trial court did not stop there. It immediately addressed Catrell's apparent confusion to ensure he understood the parameters of the plea:

THE COURT: . . . I don't know how they can give him more time, but do you understand that right now, there is an agreed sentence? I'm going to abide by those agreements, right?

DEFENDANT CATRELL ALLEN: Yes.

THE COURT: And do you think there's going to be — something else is going to happen besides that?

DEFENDANT CATRELL ALLEN: No.

(Tr. 29-30.)

{¶ 51} Catrell does not take issue with the remaining *Peterseim* factors. Our independent review of the record confirms that Catrell received a complete and impartial hearing on his motion to withdraw the plea. The trial court provided Catrell with new counsel for purposes of the plea hearing. New counsel filed a supplemental motion to withdraw the plea. At the hearing itself, the trial court provided Catrell with ample time and opportunity to articulate and expound upon the reasons for withdrawal already articulated in his two written motions. Finally, while Catrell ultimately argues that the trial court made the wrong decision, he does not contend it failed to give his plea-withdrawal request full and fair consideration.

{¶ 52} We next turn to the additional, nonexhaustive factors used by Ohio courts. The State argued at the hearing, and on appeal, that it would have been prejudiced by the withdrawal of the plea. It noted that the case had been pending for over a year and was “set for trial three separate times, always continued at the request of the defendant.” (Tr. 69.) It noted that the parties had begun jury selection when Catrell and Carlton decided to plea and that the State would be prejudiced by further delay because “memories fade” and “witnesses move.” (Tr. 69.) It further noted that both defendants had failed to appear on their scheduled sentencing date, “further delaying all of this.” (Tr. 69.) We conclude that this factor would favor denial of the motion.

{¶ 53} We disagree with the State, however, that the timing of the motion was not reasonable. While Catrell waited nearly a month to file his pro se motion to withdraw the plea, this was still more than two weeks before the initially scheduled

sentencing. While the motion “was arguably timely,” however, “this alone is insufficient to warrant granting the motion” because, as noted above, “no one factor is conclusive in a trial court’s determination on a presentence motion to withdraw a guilty plea.” *Walcot*, 2013-Ohio-4041, at ¶ 22 (8th Dist.), citing *Fish*, 104 Ohio App.3d at 240 (1st Dist. 1995). “Given the overwhelming factors weighing against the granting” of Catrell’s motion, however, “we find this factor insignificant.” *Walcot* at ¶ 22.

{¶ 54} We next turn to the reasons Catrell gave for his motion. Some of his complaints regarding his attorney have already been addressed and rejected. His claim that counsel had not prepared for trial is not supported by the record, and during the plea hearing Catrell confirmed in open court that he was satisfied with counsel’s representation. (Tr. 30.) Catrell’s claim that trial counsel failed to seek severance was refuted by the trial court. (Tr. 16.) Furthermore, even if counsel had not requested to be tried separately, Catrell concedes on appeal that this would be acceptable trial strategy.

{¶ 55} Catrell’s claim that he was pressured by counsel into taking the plea is likewise not supported by the record or by relevant case law. “The fact that a defendant may have felt ‘pressured’ to enter a guilty plea is not a sufficient basis upon which to withdraw a plea in the absence of evidence of coercion.” *State v. Pames*, 2022-Ohio-616, ¶ 37 (8th Dist.). Catrell claims that counsel told him Carlton would be sentenced to 40 years in prison if he failed to agree to the proposed plea. We first observe that the transcript reflects an observation by defense counsel that

if the defendants lost, their minimum exposure was likely to be over 38 years in prison. Discussion with counsel of a worst-case scenario, however, falls under the category of advice, not coercion. An attorney “expressing his opinion of the strength of the state’s case and giving a recommendation as to the plea deal does not amount to coercion; rather, it is merely evidence of his defense counsel doing his job.” *Walcot* at ¶ 24. *See also Pames* at ¶ 38.

{¶ 56} In addition, Catrell’s complaints regarding the package plea deal echo the recent case of *State v. Hughey*, 2025-Ohio-3152 (8th Dist.). In that case, Hughey likewise contended that “he was coerced into the package plea because his brother wanted to plead guilty and he did not want to prevent him from doing so[.]” *Id.* at ¶ 29.

{¶ 57} In rejecting Hughey’s arguments, this court observed that it “has held that ‘a defendant is not deprived of due process where an offer of a plea bargain is conditioned on acceptance by codefendants.’” *Hughey* at ¶ 29, quoting *State v. Darling*, 2017-Ohio-7603, ¶ 24 (8th Dist.), citing *State v. Hlavska*, 2000 Ohio App. LEXIS 4885 (8th Dist. Oct. 19, 2000). This court further explained:

“‘[T]here is no constitutional right to engage in plea bargaining.’” *Darling* at *id.*, quoting [*State v. Cray*, 1986 Ohio App. LEXIS 9344, *5 (8th Dist. Dec. 18, 1986)], citing *Weatherford v. Bursey*, 429 U.S. 545, 97 S.Ct. 837, 51 L.Ed.2d 30 (1977), and [*North Carolina v. Alford*, 400 U.S. 25 (1970)]. “When defendants are advised by competent counsel and are protected by the appropriate procedural safeguards, they are presumptively capable of an intelligent and voluntary choice to plead guilty and forgo trial.” *Darling* at *id.*, citing *State v. Franks*, 1998 Ohio App. LEXIS 4756 (9th Dist. Oct. 7, 1998), citing *Bordenkircher v. Hayes*, 434 U.S. 357, 98 S.Ct. 663, 54 L.Ed.2d 604 (1978).

Hughey at ¶ 29. “The *Darling* Court recognized the coercive risk of package deals but reasoned that the process required by Crim.R. 11 for accepting guilty pleas safeguards defendants’ due process rights while also preserving the benefits of the plea bargaining process.” *Hughey* at ¶ 30, citing *Darling* at ¶ 25.

{¶ 58} In both *Hughey* and *Darling*, this court found no coercion stemming from the package plea deal “because the defendant failed to . . . demonstrate error with the trial court’s Crim.R. 11 plea colloquy.” *Hughey* at ¶ 30. We have already determined there were no irregularities in the trial court’s plea colloquy. Catrell’s coercion argument is not well taken.

{¶ 59} Catrell also briefly argues that “pressure was very high” during renewed plea negotiations because voir dire had already begun. (Appellant’s brief at p. 9.) This court has consistently rejected such arguments. *State v. McCargo*, 2026-Ohio-3115, ¶ 50 (8th Dist.) (facing time pressure to accept or reject plea offer is common and unexceptional); *Pames*, 2022-Ohio-616, at ¶ 37 (8th Dist.) (“The uncertainty associated with going to trial and the fear of being found guilty” and possibly receiving a longer sentence, versus accepting a plea offer, “is a motivation that underlies virtually all guilty pleas.”).

{¶ 60} Catrell does not argue that he did not understand the nature of the charges against him or the possible penalties. Indeed, any such contention is refuted by the plea colloquy.

{¶ 61} Catrell’s final argument stems from his claim of complete innocence. “A defendant’s protestations of innocence,” however, “are not sufficient grounds for

vacating a plea that was voluntarily, knowingly, and intelligently entered.” *Heisa*, 2015-Ohio-2269, at ¶ 23 (8th Dist.), citing *State v. Miniffee*, 2013-Ohio-3146, ¶ 27 (8th Dist.), citing *State v. Bloom*, 2012-Ohio-3805, ¶ 13 (8th Dist.). *See also State v. Jordan*, 2026-Ohio-1562, ¶ 29 (8th Dist.). “The *Heisa* Court reasoned that any defendant who seeks to withdraw his or her plea presumably does so based on some claim of innocence.” *Hughey*, 2025-Ohio-3152, at ¶ 15 (8th Dist.). When presented with a claim of innocence, “the trial judge must determine whether the claim is anything more than the defendant’s change of heart about the plea agreement.” *State v. Hoyle*, 2016-Ohio-586, ¶ 31 (8th Dist.), quoting *Miniffee* at ¶ 27. It is well-established that a mere change of heart is an insufficient basis for withdrawing a guilty plea. *State v. Elliott*, 2016-Ohio-2637, ¶ 30 (8th Dist.); *Heisa* at ¶ 23; *State v. Barrett*, 2014-Ohio-1234, ¶ 9 (8th Dist.).

{¶ 62} As in *Hughey*, Catrell “did not enter an *Alford* plea, which is a guilty plea with a contemporaneous protestation of innocence. *See North Carolina v. Alford*, 400 U.S. 25 (1970). Rather, he admitted complete guilt at his plea hearing.” *Hughey* at ¶ 28. Indeed, as discussed above, this occurred after Catrell acknowledged his understanding that his forthcoming guilty plea would constitute a complete admission of guilt. A “defendant who has entered a guilty plea without asserting actual innocence is presumed to understand that he [or she] has completely admitted his [or her] guilt.” *State v. Griggs*, 2004-Ohio-4415, ¶ 19. Accordingly, Catrell’s new claim of innocence was contradicted by his prior statements and admission of guilt. *See Hughey* at ¶ 28. Indeed, Catrell “did not

claim innocence at any time during the plea negotiations or during the plea colloquy.” *State v. Wilder*, 2025-Ohio-3075, ¶ 27 (8th Dist.). See also *Fontanez*, 2026-Ohio-3281, at ¶ 46 (observing that defendant “did not assert actual innocence at any point in the plea colloquy”).³

{¶ 63} Catrell, like the defendant in *Jordan*, “understood that he had the option to proceed to trial.” *Jordan* at ¶ 29. Moreover, he did not allege any new evidence or defense in his pro se motion to withdraw, his supporting affidavit, the supplemental motion to withdraw filed by new counsel, or even at the plea-withdrawal hearing. He “did not offer any specific defense or fact revealing innocence.” *Wilder* at ¶ 27. He offered no response at the hearing to the State’s indication that his crimes were captured on video, that he was found in the same home where many of the stolen narcotics were recovered, and that DNA evidence tied him to firearms purportedly used in the robberies.⁴ “[T]he trial court could not consider [his] claim of actual innocence without something to consider.” *Id.*

{¶ 64} Therefore, we find no abuse of discretion on the part of the trial court in making its ruling and affirm the denial of Catrell’s motion to withdraw his guilty plea. Catrell’s sole assignment of error is overruled.

{¶ 65} Judgment affirmed.

³ Catrell’s protestation that he “had maintained his innocence throughout the case,” (appellant’s brief at p. 5), cannot be reconciled with the plea colloquy.

⁴ The video and DNA evidence were not introduced at the hearing. Accordingly, we provide only the State’s description of the evidence without further comment, other than noting Catrell’s failure to offer any meaningful response.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant's convictions having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

DEENA R. CALABRESE, JUDGE

EILEEN T. GALLAGHER, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR