

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	
v.	:	No. 116003
NATALIE MCDANIEL,	:	
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-25-704361-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Andrew Rogalski and Michael R. Wajda, Assistant Prosecuting Attorneys *for appellee*.

Natalie McDaniel, *pro se*.

LISA B. FORBES, J.:

{¶ 1} Defendant-appellant Natalie McDaniel (“McDaniel”) appeals her misdemeanor conviction and sentence for criminal trespass. After a thorough review of the facts and the law, we affirm.

I. PROCEDURAL AND FACTUAL HISTORY

{¶ 2} On August 8, 2025, the grand jury returned a two-count indictment against McDaniel: trespass in a habitation when a person is present or likely to be present, a fourth-degree felony, in violation of R.C. 2911.12(B), and criminal trespass, a fourth-degree misdemeanor, in violation of R.C. 2911.21(A)(1).

A. Pretrial Discussions and Plea

{¶ 3} McDaniel's trial date was scheduled for December 2, 2025. The proceedings that day began with the State explaining that it had made the following plea offer: the State of Ohio would dismiss the felony criminal-trespass charge of the indictment (Count 1) if defendant entered a plea of guilty to the misdemeanor criminal-trespass charge (Count 2) and agreed to have no contact with the victims. That offer had been conveyed to McDaniel's counsel the day before, on December 1, 2025.

{¶ 4} McDaniel inquired, through counsel, whether she could enter a "no contest plea" to Count 2. The State explained that McDaniel could plead "no contest" to both counts in the indictment but that the offer that had been made was for a guilty plea to Count 2. The court explained that it understood that for a reduction in charges, "there has to be a guilty plea." The court then initiated a break in proceedings to give McDaniel and her counsel time to consider the State's offer.

{¶ 5} When they returned, the court stated that "counsel indicated to me that the client is not prepared today to enter a plea," which McDaniel's counsel confirmed. The court then continued the trial to December 8, 2025, to allow

McDaniel more time to contemplate the plea offer. During on-the-record discussions that followed, the court stated that “if a person pleads guilty they ought to be given credit for the acceptance of responsibility.” The court further explained that it is “not to say that I would ever punish a person for going to trial” but that “I believe in crediting people who in fact take responsibility for their actions.”

{¶ 6} The parties convened for trial again on December 8, 2025. The State explained its understanding that an agreement had been reached whereby McDaniel would withdraw her previously entered plea of not guilty to both counts of the indictment and enter a plea of guilty to Count 2 and that the State would dismiss Count 1. McDaniel’s counsel agreed that the State had accurately represented the parties’ agreement.

1. The Plea Colloquy

{¶ 7} The court then engaged with McDaniel in a plea colloquy. The court confirmed that she understood the charges in the indictment and the plea agreement. McDaniel confirmed that nobody made any threats towards her or efforts to coerce or force her to enter into the change of plea and that no one had made any promises to her regarding the sentence the court would impose. McDaniel stated that she was satisfied with the representation from her defense attorney.

{¶ 8} The court then discussed McDaniel’s constitutional rights, including her right to trial by a jury or to the bench, that she would be presumed innocent through the trial, and that the State had to prove her guilty beyond a reasonable doubt. The court also explained that to meet its burden, the State would necessarily

bring witnesses forward, which would trigger her right to confront or cross-examine those witnesses through her defense attorney. The court explained that McDaniel could also utilize the court's subpoena power to compel witnesses to appear and testify on her behalf and that she would have the right not to testify. Following the court's explanation of each of these rights, McDaniel affirmed that she understood her rights. McDaniel then stated that she understood that she would be waiving each of the aforementioned rights by entering into a change of plea.

{¶ 9} When the court asked McDaniel if she was “admitting to the truth of the facts and your full guilt?” McDaniel answered that it was her “intention today to enter an *Alford* plea.”

{¶ 10} Initially, the court stated that there would be no *Alford* plea, noting that if she wanted to plead to the reduced charges, she would have to plead guilty. The court then engaged in extensive discussion with McDaniel about her desire to enter an *Alford* plea. Early in the discussion, McDaniel stated that because she could not enter an *Alford* plea, “I am prepared to enter a guilty plea today despite my belief that that is dishonest.”

{¶ 11} In response, the court noted its discomfort, stating that in every case the court makes the decision whether to accept a plea and if McDaniel is giving up her trial rights, it needs to be done knowingly and voluntarily. The court then stated that it would recess to provide McDaniel and her defense counsel time to discuss the requirements to enter a plea, stating that she cannot say she is “entering a dishonest plea” and that “[i]f she doesn't want to [admit to the truth of the facts and her full

guilt], there's no pressure from me. She is welcome to have a trial. And I commit to you, as I do everybody sitting in your client's position, that I will do everything to provide for them the fairest possible trial that I can."

{¶ 12} Prior to going off the record, the court, defense counsel, and the State discussed the difference between a no contest plea and an *Alford* plea. Counsel for the State explained that it was not offering and would not accept a no contest plea. As for the *Alford* plea, counsel for the defense and the State both stated it had not been previously discussed. The court recessed to consider whether to accept McDaniel's guilty plea despite her statement that entering the plea of guilty was dishonest, to allow McDaniel to confer with defense counsel, and for the State to determine if it would agree to an *Alford* plea.

{¶ 13} After a recess, the court noted that both defense counsel and the State were in agreement with an *Alford* plea. Specifically, the court explained McDaniel would be permitted to enter the plea of guilty to Count 2 while "at the same time essentially saying she maintains that she is not really guilty; she's just doing this in the name of getting a result that she finds suitable."

{¶ 14} The court expressed concern that the State was allowing an *Alford* plea to a reduced charge, because the judge had not seen it done in his "25 years working both as a prosecutor and defense attorney." The court asked the State to explain why it was appropriate to allow the *Alford* plea in this case, because the court was concerned with "people with means . . . hav[ing] access to results that people without means do not" and McDaniel being treated in a "favorable fashion by the

government.” In response, the State explained that the decision to allow an *Alford* plea was made after extensive pretrial negotiations and “conferring and discharging its Marsy’s Law obligations.” The State later also referenced, among other things, its consideration of the evidence, seriousness of the crime, and a review of criminal histories.

{¶ 15} Defense counsel noted that he “understand[s] an *Alford* plea to be a type of guilty plea where a defendant maintains their innocence, but admits that there is enough evidence for a likely conviction. And that is what Ms. McDaniel is willing to do here and is glad to accept here.” Defense counsel then stated that all the elements of a valid *Alford* plea had been met. Specifically, defense counsel confirmed on the record:

one, that a guilty plea was not the result of coercion, deception, or intimidation; two, counsel was present at the time of the plea; three, counsel’s advice was competent in light of the circumstances surrounding the plea; four, the plea was made with the understanding of the nature of the charges; and five, the plea was motivated either by a desire to seek a lesser penalty or fear of the consequences of a jury trial or both.

2. Factual Basis for Guilty Plea

{¶ 16} The court requested that the State provide a summary of the facts of the case. The State summarized the incident, then narrated a two-minute surveillance-video montage from the victims’ home while playing the video in court. The State explained that the video recording stops and starts when there is no movement due to an energy-saver function. The video contains several camera angles that switch back and forth showing different perspectives.

{¶ 17} The State asserted that on July 30, 2025, McDaniel went onto the victims’ property where they had a “recall Mayor Seren” sign in their yard. McDaniel approached the sign and kneeled in front of it to “potentially take a video or picture of it.” The State explained that McDaniel is “the wife of then-Mayor Seren of Cleveland Heights.”

{¶ 18} As shown on the video and narrated by the State, McDaniel went through the front yard of the property, up the stairs to the front door. The State directed the court’s attention to the “very bottom right corner” of the video where the cast iron door is visible. The State explained, “[I]n addition to not seeing her knock, you are going to see this cast iron door pushed inward before [McDaniel] disappears.”¹ The State explained, “[T]he noise you heard was the cast iron against the stone.” After approximately 15 seconds, during which the camera stopped recording while in energy-saver mode, the video shows McDaniel reappear “when she exits the residence.” Our review of the video shows that McDaniel was facing the front of the house and the camera initially. She then went off the screen. After the 15 second lapse in time, when she reappeared, she was facing in the opposite direction, as though she turned around and was headed in the direction of the street. According to the State, and as shown in the video, McDaniel then turned around again, appeared to be looking in the direction of the front door at a historical

¹ We note that at this point the video appears to show McDaniel reach toward something, presumably a doorknob.

landmark sign. She turned again and walked off the porch. She proceeded to the side of the house, looked around, and eventually continued to walk up the street.

{¶ 19} The State explained that the victims’ Ring-camera notified them that someone had entered their home. The victims had not given McDaniel permission to enter their property or residence. One of the victims drove home, located McDaniel on the street, and called 9-1-1.

{¶ 20} After the State’s summary of the facts, the court asked defense counsel if he believed there was a factual basis for the plea. Defense counsel acknowledged that “what the prosecutor just showed would be admissible evidence in this trial and that that is the evidence — a substantial part of the evidence that the prosecution would admit in this case.” Defense counsel then agreed that “the evidence could support a conviction” and is “sufficient for the entry of an *Alford* plea.” McDaniel’s counsel further explained, “my client understands that she will be pleading guilty.”

3. The Plea Colloquy, Continued

{¶ 21} The court then addressed McDaniel directly, resuming the plea colloquy that was paused when McDaniel first brought up the idea of an *Alford* plea. The court stated that they had left off “where I discussed with you the waiving of your trial rights.” The court then engaged with McDaniel in the following exchange on the record:

The Court: Do you understand that a plea here is an admission to the truth of the facts and your full guilt?

The Defendant: Yes.

The Court: Have you discussed with your lawyer the consequences associated with the change of plea to a fourth-degree misdemeanor?

The Defendant: Yes.

The Court: Well, we need to put it on the record. Do you understand that you're exposed here no longer to prison time, but still to a period of incarceration of up to 30 days locally? Do you understand that?

The Defendant: Yes.

The Court: And if the Court does not impose a period of incarceration at the time of sentencing, I would still be free to do so if you violated the conditions of probation down the line over the course of that potential period. Do you understand that?

The Defendant: Yes.

The Court: Understanding all of that, is it still your desire to enter this change of plea?

The Defendant: Yes.

The Court: Counsel, do you believe that the defendant has been informed of her constitutional rights, that she understands the nature of the charges, the effect of the plea?

...

Counsel for McDaniel: Yes, I agree.

The Court: The Court will likewise find that the defendant has been informed of her constitutional rights, she understands the nature of the charges, the effect of the plea, and the possible consequences associated with the change of plea. So with that, I will turn to you, Ms. McDaniel, and ask you how do you plead to Count 2, a misdemeanor of the fourth degree?

The Defendant: Guilty.

The Court: I will accept the defendant's plea of guilt, I will make a finding of guilty. On the recommendation of the prosecutor's office, the remaining count will be dismissed.

B. Sentencing

{¶ 22} The trial court proceeded with a sentencing hearing on Count 2, criminal trespass, a fourth-degree misdemeanor, in violation of R.C. 2911.21(A)(1). During the sentencing hearing, the court heard from the State, defense counsel, and McDaniel.

{¶ 23} The State explained that during the police interaction with McDaniel that was caught on body camera after the event, McDaniel provided numerous inconsistent accounts about what happened. According to the State, McDaniel “made accusations like she was the victim being followed by somebody. She claimed that she knocked on the door. She claimed that she was only there because she saw workers outside and wanted — was interested in what was being done and wanted — potentially wanted to have her own flooring job done in the future.” The State further explained that

[a]t first she said she didn’t go in, and then she said she went in enough to see that there was a camera inside the house. She didn’t mention anything about the yard sign, which the evidence shows was the real reason that she was at that house and went into the door, potentially to confront the homeowners for why they had a yard sign unfavorable to her husband.

{¶ 24} The State asserted that McDaniel and her husband “went to the media over the next couple of days to provide perspective of what happened inconsistent with the truth, whereby the victims were made out to be the bad guys,” including allegations that they “doctored the video.”

{¶ 25} The State read a victim-impact statement into the record. The victim-impact statement stated that “[i]nstead of taking responsibility, [McDaniel] attempted to rewrite the entire event accusing my husband of stalking her with malicious intent. To protect herself, she tried to destroy his reputation, giving inconsistent statements to police, acting combative, and blaming everyone except the person who forced her way into someone else’s home. Herself.” The statement further noted that McDaniel’s husband, the Mayor of the city, stood on a podium and accused the victims of “fabricating events for political reasons” The State noted that the events that occurred after the trespass are worthy of the court’s consideration in fashioning an appropriate sentence.

{¶ 26} Defense counsel asked for a fine and no residential sanctions for McDaniel. He noted McDaniel’s lack of criminal history. Defense counsel provided McDaniel’s version of events. He explained that McDaniel did not believe that the owners of the home put up the yard sign and “that was her purpose for wanting to communicate with whomever was inside.” Defense counsel stated that McDaniel regrets opening the door and stepping across the threshold. Defense counsel further explained:

[S]he believed that her husband’s political opponents had placed that sign there without permission. So she wanted to go talk to whoever was inside the house, whether it be a worker or anyone who would have been willing to speak with her, to determine whether that was the case or not. And she went up there. She heard — there were machines inside the house, so she did not believe that knocking on the door would be heard, and so she made the decision to open the door and poke her head in and try to get someone’s attention. The video shows she was in there for 15 seconds at most.

{¶ 27} McDaniel also spoke at sentencing. She stated that she was sorry that the victims were scared and that they felt violated, hurt, and harassed.

{¶ 28} Before issuing McDaniel's sentence, the court discussed concern for the safety of the community, the balance between incarceration and probation, and possible recidivism and asked McDaniel if she has "any regrets about opening the door and walking into someone's home who had not given [her] permission to enter?" She responded that "this is never going to happen again because I appreciate the impact of my actions on others in a profound way as a result of this experience."

{¶ 29} The court sentenced McDaniel to community control for a period of two years. As a condition of her community control, the court ordered that McDaniel be seen by a mental-health professional, noting possible mental-health issues. The court explained that McDaniel could see a mental-health professional of her own choosing but that verification would need to be done through the probation department. The court also ordered that McDaniel have no contact with the victims.

{¶ 30} The court issued a journal entry memorializing McDaniel's guilty plea and sentence. From this journal entry, McDaniel appeals, raising the following assignments of error:

Assignment of Error 1: The trial court imposed a sentence of community control contrary to law by considering whether Appellant showed genuine remorse as a factor and then requiring actual admission of wrongdoing in violation of R.C. 2929.22(B)(2) which explicitly prohibits judges from considering remorse when sentencing defendants who enter an *Alford* plea, a type of guilty plea where innocence is maintained. With respect to minimums, the record affirmatively rebuts the boilerplate language in the judgment entry and instead demonstrates the trial court's failure to consider statutory

factors required by R.C. 2929.21 and R.C. 2929.22. This error presents an issue of first impression in this Court due to the change in law under H.B. 234.

Assignment of Error 2: McDaniel did not enter a knowing, intelligent, and voluntary *Alford* plea and the trial court failed to comply with the Constitutional standard for accepting McDaniel's *Alford* plea and this Court's controlling precedent in *State v. Nevels*.

Assignment of Error 3: The trial court erred by improperly participating in plea negotiations and exerting undue influence on Appellant by ignoring her protestations of innocence and then openly threatening a "trial tax" or harsher sentence if Appellant refused to plead guilty in violation of Appellant's right to a trial under the Sixth Amendment and Article I, Section 5 of the Ohio Constitution.

II. LAW AND ANALYSIS

{¶ 31} We will review McDaniel's assignments of error out of order for ease of analysis.

A. Pro Se Litigants

{¶ 32} Initially, we note that McDaniel represents herself pro se on appeal. This court has previously recognized

a pro se litigant may face certain difficulties when choosing to represent oneself. Although a pro se litigant may be afforded reasonable latitude, there are limits to a court's leniency. *Henderson v. Henderson*, 11th Dist. Geauga No. 2012-G-3118, 2013-Ohio-2820, ¶ 22. Pro se litigants are presumed to have knowledge of the law and legal procedures and are held to the same standard as litigants who are represented by counsel. *In re Application of Black Fork Wind Energy, L.L.C.*, 138 Ohio St.3d 43, 2013-Ohio-5478, 3 N.E.3d 173, ¶ 22.

Saeed v. Greater Cleveland Regional Transit Auth., 2017-Ohio-935, ¶ 7 (8th Dist.).

{¶ 33} Thus, we presume McDaniel had knowledge of the law, legal procedures, and appellate process.

B. Assignment of Error No. 2 — Knowing, Intelligent, and Voluntary Plea

{¶ 34} In support of her second assignment of error, McDaniel argues that she did not enter a knowing, intelligent, and voluntary *Alford* plea and that the trial court failed to comply with the constitutional standard and this court’s controlling precedent for accepting her *Alford* plea. We disagree.

1. Legal Standards

a. *Alford* Plea

{¶ 35} A trial court may accept a guilty plea despite a defendant’s protestations of innocence when a factual basis for the guilty plea is evidenced by the record. *N. Carolina v. Alford*, 400 U.S. 25, 37-38 (1970). This type of plea is known as an *Alford* plea. *Id.* “Although an *Alford* plea allows the defendant to maintain his [or her] factual innocence, the plea has the same legal effect as a plea of “guilty,” and upon acceptance by the trial court, the defendant stands convicted as though he [or she] had been found guilty by a trier of fact.” *State v. Anderson*, 2006-Ohio-5167, ¶ 8 (11th Dist.), quoting *State v. Hughes*, 2003-Ohio-3449, ¶ 9 (12th Dist.).

{¶ 36} For a valid *Alford* plea to take place, the defendant must enter a guilty plea and at the same time protest innocence. *State v. Tyner*, 2012-Ohio-2770, ¶ 6 (8th Dist.), citing *State v. Horton-Alomar*, 2005-Ohio-1537 (10th Dist.).² “Implicit

² Absent a claim of innocence at the time of guilty plea, the trial court is not required to treat a defendant’s plea as an *Alford* plea. In *Horton-Alomar*, our sister court held that the defendant failed to properly enter an *Alford* plea because she did not protest her innocence when she entered her plea. Although defense counsel had informed that court

in any *Alford* plea is the requirement that a defendant actually state their innocence on the record when entering a guilty plea.” *Tyner* at ¶ 6, quoting *State v. Murphy*, 1995 Ohio App. LEXIS 3924, *7 (8th Dist. Aug. 31, 1995). *See also State v. Cutlip*, 1998 Ohio App. LEXIS 2899, *4 (8th Dist. June 18, 1998) (noting that *Alford* does not apply if the protestation of innocence is not made contemporaneously with a guilty plea).

{¶ 37} As a threshold matter, we note that although there was extensive discussion on the record about an *Alford* plea, at no time during the plea colloquy did McDaniel explicitly assert that she was innocent of the charges. On the day McDaniel changed her plea, after a break in the proceedings to address McDaniel’s assertion that she wanted to enter an *Alford* plea, McDaniel responded, “Yes” when the court asked, “Do you understand that a plea here is an admission to the truth of the facts and your full guilt?” McDaniel did not raise a claim of innocence at that time or at any point thereafter. However, given that both parties maintain that an *Alford* plea occurred, we will consider whether the plea was voluntarily, intelligently, and knowingly made under the *Alford*-plea rubric.

immediately prior to the plea colloquy that her client would be entering an *Alford* plea, neither the defendant nor defense counsel made a claim of innocence during the plea hearing. *Id.* The court explained that counsel’s characterization of a guilty plea as an *Alford* plea was insufficient absent a protestation of innocence or additional explanation. *Id.* at ¶ 9. *See also State v. Darks*, 2006-Ohio-3144, ¶ 14 (10th Dist.).

b. Knowing, Intelligent, and Voluntary Plea

{¶ 38} “All pleas, including an *Alford* plea, must meet the general requirement that the defendant knowingly, voluntarily, and intelligently waived [the defendant’s] right to trial.” *State v. Schmidt*, 2010-Ohio-4809, ¶ 14 (3d Dist.), citing *State v. Padgett*, 67 Ohio App.3d 332, 337-338 (2d Dist. 1990).

{¶ 39} “In considering whether a plea was made knowingly, intelligently, and voluntarily, we apply a de novo review.” *State v. Medlock*, 2024-Ohio-5208, ¶ 10 (8th Dist.), quoting *State v. Nevels*, 2020-Ohio-915, ¶ 19 (8th Dist.). In doing so, this court considers “the totality of the circumstances.” *State v. Tutt*, 2015-Ohio-5145, ¶ 13 (8th Dist.), quoting *State v. Spock*, 2015-Ohio-606, ¶ 17 (8th Dist.).

i. Crim.R. 11

{¶ 40} “To ensure that pleas are knowingly, intelligently, and voluntarily made, Crim.R. 11 sets forth specific procedural requirements that the trial court must follow, depending upon the level of offense to which the defendant is pleading.”” *State v. Walton*, 2014-Ohio-618, ¶ 16 (4th Dist.), quoting *State v. Zarconi*, 2013-Ohio-891, ¶ 19 (7th Dist.). Here, the plea agreement offered by the State entailed the State dismissing one charge of trespass in a habitation when a person is present or likely to be present, a fourth-degree felony with a potential punishment of 6 to 18 months in prison, in exchange for McDaniel’s guilty plea to one charge of criminal trespass, a fourth-degree misdemeanor with a potential jail

sentence of 30 days. Criminal trespass is considered a “petty offense” that is subject to the requirements of Crim.R. 11(E).³

{¶ 41} The Ohio Supreme Court has instructed that under Crim.R. 11(E), “a trial court is required to inform the defendant only of the effect of the specific plea being entered.” *State v. Jones*, 2007-Ohio-6093, ¶ 20. This means that “before accepting a guilty plea to a misdemeanor for a petty offense, the court was required to inform [the defendant] that a plea of guilty is a complete admission of guilt.” *Id.* at ¶ 25; *see also* Crim.R. 11(B)(1). Although Ohio’s criminal rules do not address *Alford* pleas, “courts have generally required that the trial court explain to the defendant that the [*Alford*] plea constitutes consent to the court finding the defendant guilty of the charge and imposing a sentence while the defendant maintains innocence.” *State v. Bagner*, 2020-Ohio-5113, ¶ 5 (6th Dist.).

{¶ 42} We find that the record reflects that the trial court provided the necessary advisement under Crim.R. 11(E) and that McDaniel was informed that by pleading guilty, albeit by way of an *Alford* plea, she was consenting to the court finding her guilty of a misdemeanor of the fourth degree and imposing a sentence on that count. We additionally note that the trial court provided advisements above and beyond those required for petty misdemeanors, including describing McDaniel’s constitutional rights and potential penalties for a criminal trespass.

ii. Knowing, Intelligent, and Voluntary *Alford* Plea

³ Crim.R. 2(D) defines “petty offense” as a misdemeanor other than a serious offense. Crim.R. 2(C) defines a “serious offense” as any felony or “misdemeanor for which the penalty prescribed by law includes confinement for more than six months.”

{¶ 43} Because *Alford* pleas give rise to an inherent suspicion that a knowing, intelligent, and voluntary waiver may not have occurred, this type of plea “places a heightened duty upon the trial court to ensure that the defendant’s rights are protected and that entering the plea is a rational decision on the part of the defendant.” *Schmidt*, 2010-Ohio-4809, at ¶ 14 (3d Dist.), quoting *Padgett*, 67 Ohio App.3d at 337-338; see also *Medlock*, 2024-Ohio-5208, at ¶ 12 (8th Dist.).

{¶ 44} “Accordingly, an *Alford* plea should not be accepted unless a factual basis exists for the plea and the trial court has attempted to resolve the apparent conflict between the waiver of trial rights and the assertion of innocence.” *State v. Noble*, 2026-Ohio-2128, ¶ 18 (12th Dist.), citing *State v. Heiser-Mullins*, 2024-Ohio-5360, ¶ 14 (12th Dist.).

{¶ 45} In resolving this apparent conflict, in *State v. Piacella*, 27 Ohio St.2d 92, 96 (1971), the Supreme Court concluded that a plea was made knowingly and voluntarily, despite defendant’s protestations of innocence, after finding the following factors:

(1) the guilty plea was not the result of coercion, deception, or intimidation, (2) counsel was present at the time of the plea; (3) [counsel’s] advice was competent in light of the circumstances surrounding the plea; (4) the plea was made with the understanding of the nature of the charges; and, (5) the plea was motivated either by a desire to seek a lesser penalty or a fear of the consequences of a jury trial, or both.

Id. (recognizing that a plea may be the product of free and rational choice even if the defendant is unwilling to admit her participation in the crime); see also *State v. Williams*, 1997 Ohio App. LEXIS 4337, *10-11 (8th Dist. Sept. 25, 1997).

{¶ 46} Here, the record contained a sufficient factual basis for the plea to satisfy the *Alford* analysis. As discussed, the plea hearing the State narrated the surveillance video as it was played in court. When questioned, defense counsel agreed that there was a factual basis for the plea and that the evidence could support a conviction and is “sufficient for the entry of an *Alford* plea.” With respect to the first *Piacella* factor, we find that McDaniel’s guilty plea was not the result of coercion, deception, or intimidation. Notably, on December 2, 2025, the court allowed McDaniel a six-day continuance to consider the State’s plea offer. On the next trial date of December 8, 2025, McDaniel independently announced that it was her intention to enter an *Alford* plea. On appeal, McDaniel explains that she “discovered the existence of the *Alford* plea independent of defense counsel and introduced the possibility to counsel on the morning of the plea and sentencing hearing.” McDaniel’s independent determination that she wanted to enter an *Alford* plea and McDaniel’s level of education (college) suggest a level of sophistication and voluntariness to engage in this type of plea.

{¶ 47} The trial court initially questioned McDaniel’s assertion of an *Alford* plea based on the court’s understanding that the plea offer was conditioned on a complete admission of guilt. At one point in the discussion between the court and McDaniel, McDaniel stated, “I am prepared to enter a guilty plea today despite my belief that it is dishonest.” This shows McDaniel’s voluntary and independent decision-making.

{¶ 48} The plea colloquy indicates a lack of coercion or intimidation. When the trial court asked McDaniel if she understood that “the plea here is an admission to the truth of the facts and your full guilt?” McDaniel responded, “Yes.” She acknowledged discussing the consequences of her plea with her lawyer. The court discussed the possible penalties for a misdemeanor of the fourth degree. The court asked McDaniel whether “[u]nderstanding all of that, is it still your desire to enter this change of plea?” McDaniel responded, “Yes.” The court then asked defense counsel if he believed that McDaniel has been “informed of her constitutional rights, that she understands the nature of the charges, the effect of the plea?” Defense counsel responded, “Yes.” When asked by the court how she pled to the charges in Count 2, McDaniel answered unequivocally, “Guilty.” Additionally, the court took breaks throughout the process, allowing McDaniel time to consult with counsel.

{¶ 49} The court specifically asked defense counsel if there was anything in the record to suggest “coercion or intimidation.” Defense counsel stated that McDaniel “understands what the law is here, she understands what the factual record will show, and is not coerced in that regard.” Defense counsel also denied that McDaniel was intimidated. McDaniel did not contest counsel’s representations.

{¶ 50} We find that the second and third *Piacella* factors have been satisfied. Counsel was present at the time of the plea. McDaniel has not demonstrated that counsel’s advice, in light of the circumstances surrounding the plea, was anything but competent. McDaniel entered a plea of guilty to R.C. 2911.21(A)(1), misdemeanor criminal trespass, which provides, “No person, without privilege to do

so, shall do any of the following: (1) Knowingly enter or remain on the land or premises of another.” After the video was shown in open court, McDaniel’s attorney agreed that there was a factual basis for the plea and stated that the video the “prosecutor just showed would be admissible evidence in this trial” and could support a conviction. Moreover, at no time during the viewing of the video or voluminous exchanges between the court and defense counsel did McDaniel express any dissatisfaction with her counsel’s representation of her. During her colloquy with the court, McDaniel stated that she was satisfied with her attorney’s representation.

{¶ 51} Defense counsel explained that he understood the unique nature of an *Alford* plea when he stated that he “understand[s] an *Alford* plea to be a type of guilty plea where a defendant maintains their innocence but admits that there is enough evidence for a likely conviction. And that is what Ms. McDaniel is willing to do here and is glad to accept here.” Nothing in this record demonstrates McDaniel’s counsel did not provide competent advice.

{¶ 52} The record affirmatively establishes that the fourth and fifth *Piacella* factors have been met, specifically, that the plea was made with the understanding of the nature of the charges and was motivated either by a desire to seek a lesser penalty or a fear of the consequences of a jury trial, or both.

{¶ 53} The record reflects several exchanges between the court and McDaniel regarding the two charges in the indictment (which included a felony charge), as well as the plea offer (which dismissed the felony charge). The court also

addressed potential penalties. McDaniel expressed to the court that she understood the nature of the charges against her, as well as the plea offer. Nothing in the record indicates that McDaniel did not understand the nature of the charges against her.

{¶ 54} McDaniel’s motivation for pleading guilty was addressed by the court and her counsel. After taking a recess to consider the path forward on a possible *Alford* plea, the court stated that defense counsel and the State had informed it that they were in agreement with an *Alford* plea and explained that McDaniel would be permitted to enter the plea while “at the same time essentially saying she maintains that she is not really guilty; she’s just doing this in the name of getting a result that she finds suitable.” Neither McDaniel nor defense counsel objected to the court’s explanation. As noted, the video presented by the State demonstrated the State’s factual basis for pursuing the misdemeanor criminal trespass charge.

{¶ 55} McDaniel’s counsel stated that McDaniel desired to plead guilty to “avoid standing trial on the felony charge by pleading guilty to the misdemeanor charge” Counsel also described his understanding of the general motivations for *Alford* pleas, noting that “practical aspects to entering a plea where someone really does believe that they have done nothing wrong, but they understand the consequences of going to a jury trial.” Defense counsel explained to the court that “it has been my advice to my client that the evidence would sustain a conviction in this case”

{¶ 56} In light of the foregoing, we find that the trial court engaged in extensive inquiry to ascertain the factual basis for the plea and satisfactorily

attempted to resolve the apparent conflict between McDaniel’s waiver of trial rights and assertion of innocence by meeting each of the five factors outlined in *Piacella*. 27 Ohio St.2d at 96.

iii. *Alford* and the Effectiveness of the Plea Colloquy

{¶ 57} McDaniel additionally argues that

[i]n the absence of any dialogue between the trial court and Appellant, where Appellant has an opportunity to directly communicate to the trial court her understanding of the case against her relative to her legal defenses and has made a rational choice to make the plea, the trial court cannot find that the *Alford* plea is knowingly, intelligently, and voluntarily made.

McDaniel argues on appeal that this court’s decision in *Nevels*, 2020-Ohio-915 (8th Dist.), supports her position that the trial court did not conduct a proper *Alford* plea. We disagree.

{¶ 58} Reliance on *Nevels* is misplaced due to the entirely different factual predicate in that case. Unlike here, in *Nevels*, after the defendant’s claim of innocence, the trial court failed to engage in any inquiry whatsoever regarding the factual basis for the charges to determine whether a rational basis existed for the plea to a felony rape. Nevertheless, McDaniel points to the court’s statement in *Nevels* that the “trial court failed to engage [the defendant] in any meaningful dialogue concerning the sincerity of his statement that he was not guilty.” *Id.* at ¶ 29. She claims that her plea should be reversed because the court did not engage in “meaningful dialogue” directly with her. However, the primary discussion about “meaningful dialogue” in *Nevels* addressed pleas generally, stating that the “proper

taking of a guilty plea requires ‘a meaningful dialogue between the court and the defendant.’” *Id.* at ¶ 28, quoting *Garfield Hts. v. Brewer*, 17 Ohio App.3d 216, 218 (8th Dist. 1980).⁴

{¶ 59} Here, the factual basis for McDaniel’s plea was thoroughly established through the presentation of the surveillance video, the prosecutor’s summary of the incident, and lack of protestation by either defense counsel or McDaniel herself that she made entry into the victims’ home. Moreover, McDaniel’s personal involvement in the proceedings (introducing the very idea of an *Alford* plea) and the robust discussion between the court and defense counsel establishes that McDaniel’s decision to plead guilty was rational and in keeping with the five *Piacella* factors. Under these circumstances, meaningful dialogue occurred that provided the court sufficient information to assess whether the plea was knowing, intelligent, and voluntary and whether to accept the guilty plea.

{¶ 60} We agree with several of our sister courts who have held that “although it may be a matter of best practice for a trial court to do so, ‘in accepting an *Alford* plea, a trial court is not required to directly inquire of the defendant to determine whether he has made a rational calculation to plead guilty.’” *State v.*

⁴ While this court has previously used language regarding “inquiry of the defendant” concerning his reasons to plead guilty, we find that language to be dicta. *Medlock*, 2024-Ohio-5208, at ¶ 12-15 (8th Dist.). In *Medlock*, this court found that the defendant had not made an *Alford* plea because he did not make the requisite protestations of innocence. As such, any discussion of what is required for a proper *Alford* plea was not material to the court’s holding that the *Alford* plea requirements did not apply.

Frazier, 2024-Ohio-2114, ¶ 23 (12th Dist.), quoting *State v. Satterwhite*, 2021-Ohio-2878, ¶ 19 (12th Dist.); see also *State v. Kafai*, 1999 Ohio App. LEXIS 6339, *10-12 (6th Dist. Dec. 30, 1999) (holding that the trial could have determined that it was in appellant’s best interests to enter a guilty plea based on evidence presented by the State); see *State v. Kirigiti*, 2007-Ohio-6852, ¶ 13-15 (10th Dist.) (Trial court had sufficient information to determine that defendant’s decision was rational without direct inquiry of defendant.); see *State v. Byrd*, 2008-Ohio-3909, ¶ 18-22 (4th Dist.) (Trial court had sufficient information to determine that defendant’s decision was rational without direct inquiry of the defendant.).

{¶ 61} Based on the foregoing, considering the totality of the circumstances, we find that the record does not support McDaniel’s claim that her plea was not entered knowingly, intelligently, and voluntarily. McDaniel’s second assignment of error is overruled.

C. Assignment of Error No. 3 — Undue Influence

{¶ 62} With her third assignment of error, McDaniel argues that the trial court erred by improperly participating in plea negotiations and exerting undue influence on her by ignoring her protestations of innocence and then openly threatening a “trial tax” or harsher sentence if Appellant refused to plead guilty. According to McDaniel, this was done in violation of her right to a trial under the U.S. Const. amend VI, and Ohio Const. art. I, § 5. We disagree.

1. Legal Standards

{¶ 63} As previously discussed, “[w]hen a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily.” *State v. Lawson*, 2018-Ohio-4922, ¶ 20 (3d Dist.), quoting *State v. Engle*, 74 Ohio St.3d 525, 527 (1996). A plea that is coerced or induced by promises or threats is involuntary. *Id.*, citing *State v. Kelly*, 2010-Ohio-432, ¶ 21 (8th Dist.).

{¶ 64} “With respect to a judge’s participation in the plea-bargaining process, the Ohio Supreme Court has cautioned that ‘the judge’s position in the criminal justice system presents a great potential for coerced guilty pleas and can easily compromise the impartial position a trial judge should assume.’” *Lawson* at *id.*, quoting *Byrd*, 63 Ohio St.2d at 292. “Judicial participation is strongly discouraged but does not render a plea per se involuntary; the ultimate inquiry is whether the judge’s conduct could have led the defendant to believe he [or she] could not get a fair trial, including a fair sentence after trial, and whether judicial participation undermined the voluntariness of the plea.” *Id.*, quoting *State v. Heard*, 2017-Ohio-8310, ¶ 18.

{¶ 65} The record demonstrates that McDaniel’s plea was made knowingly, intelligently, and voluntarily and that the trial court complied with Crim.R. 11(C) even though compliance with Crim.R. 11(E) is all that was required.

{¶ 66} With respect to the judge’s participation in the plea discussions, we note that the State created and presented the plea offer outside the presence of the court. The court granted McDaniel a trial continuance of six days to consider the

offer and a further recess on the day the case was set for trial for the second time to allow McDaniel time to fully consider the plea offer and possible *Alford* plea, an alternative that *she* independently raised. Notably, the trial court repeatedly expressed concern with McDaniel pleading guilty if she believed that would be “dishonest.” McDaniel has not identified anything in this record that demonstrates the trial court improperly participated in any plea negotiations or exerted undue influence. As discussed, McDaniel herself affirmed on the record that the decision to enter her plea of guilty was not the product of any undue influence or coercion.

{¶ 67} Further, although McDaniel correctly states that the trial court referenced “crediting people who in fact take responsibility for their actions,” the court simultaneously stated that it is “not to say that he would ever punish for going to trial,” and that “he respect[s] Ms. McDaniel’s right to trial.” McDaniel has not identified anything in the record to support her assertion that the trial court threatened a “trial tax” or harsher sentence if she did not plead guilty.

{¶ 68} McDaniel’s third assignment of error is overruled.

D. Assignment of Error No. 1 — Sentencing and *Alford* Plea

{¶ 69} In her first assignment of error, McDaniel argues that when the trial court imposed a community-control sanction, it failed to consider the statutorily required factors in R.C. 2929.21 and 2929.22, but that the court did consider whether she showed genuine remorse, which she maintains is prohibited by R.C. 2929.22(B)(2) when an *Alford* plea is involved.

1. Legal Standards

a. Sentencing factors — R.C. 2929.21 and 2929.22.

{¶ 70} R.C. 2929.22(A) states that “[u]nless a mandatory jail term is required to be imposed . . . a court that imposes a sentence under this chapter upon an offender for a misdemeanor . . . has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in 2929.21 of the Revised Code.” R.C. 2929.21 establishes that

[t]he overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender’s behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public.

R.C. 2929.21(A).

{¶ 71} In determining the appropriate sentence for a misdemeanor, R.C. 2929.22(B)(1) requires a sentencing court to consider the following factors, among several others that are not relevant here:

- (a) The nature and circumstances of the offense or offenses;
- (b) Whether the circumstance regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender’s character and condition reveal a substantial risk that the offender will commit another offense;
- (c) Whether the circumstances regarding the offender and the offense or offense indicate that the offender’s history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender’s conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;

...

(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B)(1)(b) and (c) of this section;

R.C. 2929.22(B)(1).

{¶ 72} “The trial court is not required to make factual findings on the record relating to the R.C. 2929.22(B)(1) factors.” *Cleveland v. Boyd*, 2023-Ohio-459, ¶ 11 (8th Dist.), quoting *Lakewood v. Dobra*, 2018-Ohio-960, ¶ 9 (8th Dist.).

{¶ 73} In reviewing a trial court’s sentencing decision, a “reviewing court is to presume the trial judge made the required considerations absent an affirmative showing to the contrary.” *State v. Burley*, 2017-Ohio-378, ¶ 15 (7th Dist.), citing *State v. Best*, 2009-Ohio-6806, ¶ 14 (7th Dist.). The burden to show this error falls on the appellant. *State v. Endress*, 2008-Ohio-4498, ¶ 4 (9th Dist.), citing *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980).

{¶ 74} We review a trial court’s imposition of community-control sanctions under an abuse-of-discretion standard. *State v. Ballish*, 2026-Ohio-503, ¶ 10, citing *State v. Talty*, 2004-Ohio-4888, ¶ 10. *See also Boyd* at ¶ 9. An abuse of discretion occurs when a court exercises “its judgment, in an unwarranted way, in regard to a matter over which is has discretionary authority.” *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 35. Abuse of discretion is defined as “conduct that is unreasonable, arbitrary or unconscionable.” *Ballish* at ¶ 10, quoting *State v. Beasley*, 2018-Ohio-16, ¶ 12.

i. *Alford* Plea and Remorse

{¶ 75} R.C. 2929.22(B)(2) requires that when “determining the appropriate sentencing for a misdemeanor, if the offender enters an *Alford* plea, the sentencing court shall not consider whether the offender showed genuine remorse for the offense.” R.C. 2929.22(B)(2). We find that the court did not consider remorse as a factor in sentencing.

{¶ 76} During sentencing, defense counsel provided McDaniel’s version of events and expressed her “regrets about opening the door and stepping across the threshold” of the victims’ home. Following up on defense counsel’s statement, when addressing McDaniel, the trial court asked McDaniel if she had any regrets about walking into someone’s home who had not given her permission to enter. The trial court explained that it was “concerned that you may leave here thinking that this is behavior that you can repeat in the future because you don’t see the wrong in it.”

{¶ 77} The reference to “regret,” while inartful in light of the R.C. 2929.22(B)(2) prohibition, does not rise to an abuse of discretion here. The full context of the trial court’s statements during the sentencing hearing make clear that the trial court’s purpose in pursuing the inquiry was to determine the likelihood of recidivism and address its concerns for the safety of the community. The record evidences the trial court’s consideration of the principles and purposes of misdemeanor sentencing, including but not limited to, the impact of the offense upon the victims and the need for changing McDaniel’s behavior and rehabilitating her.

{¶ 78} Even if this court were to consider the trial court’s question about regret an improper consideration of remorse, we would find it to be harmless error. “Crim.R. 52(A) defines harmless error in the context of criminal cases and provides ‘[a]ny error defect, irregularity, or variance which does not affect substantial rights shall be disregarded.’” *State v. Morris*, 2014-Ohio-5052, ¶ 23, quoting Crim.R. 52(A). In other words, when “there is ‘a deviation from a legal rule,’ courts undertake a “harmless error” inquiry — to determine whether the error affected substantial rights of the criminal defendant.” *Id.* at ¶ 23, quoting *State v. Fisher*, 2003-Ohio-2761, ¶ 7. “[S]ubstantial rights’ has been interpreted to require ‘that the error must have been *prejudicial*.’” (Emphasis in original.) *Id.* at ¶ 23, quoting *United States v. Olano*, 507 U.S. 725, 734 (1993).

{¶ 79} We note that our sister court has applied the harmless-error analysis when reviewing a trial court’s sentencing determinations regarding a defendant’s lack of remorse in the context of an *Alford* plea. *State v. House*, 2005-Ohio-2397, ¶ 14 (9th Dist.) Although the Ninth District considered this issue prior to the March 20, 2025 amendment to R.C. 2929.22, which prohibited a sentencing court from considering remorse in an *Alford* plea, the court’s analysis is instructive. In *House*, the court stated that even assuming that the trial court’s consideration of remorse was error, the error was harmless. The court explained that “the trial court enunciated sufficient statutory determinations beyond the appellant’s lack of remorse to substantiate” the sentence that was imposed. *House* at ¶ 15-17.

{¶ 80} Similarly, here the court discussed the concerns it had with the nature and circumstances of the trespass, including the concerns with the aftermath of the event, its impact on the victims, and likelihood of recidivism, all of which the court was required to consider under R.C. 2929.22(B)(1). Specifically, the court noted:

As much as anything else, I am concerned about the behavior that followed after the entering into the home, the idea that there was this sort of — I don't know if you want to call it a cover-up, but as they say sometimes a cover-up is worse than the crime. So the behavior that occurred after the fact where these folks appeared to have been at least to some extent dragged through the mud is very unfortunate. And I was happy to hear Ms. McDaniel's full-throated apology for those occurrences, if nothing else.

{¶ 81} Considering the record in total, we find that McDaniel has not identified any reversible error in the court's consideration of factors before imposing the sentence of community-control sanctions.

b. Conditions of Probation — Mental-Health Evaluation

{¶ 82} McDaniel argues on appeal that the trial court improperly ordered her to be seen by a mental-health professional. We disagree.

{¶ 83} The Ohio Revised Code “permits a sentencing court to impose one or more community-control sanctions that are expressly authorized by statute as well as ‘any other conditions of release under a community control sanction that the court considers appropriate.’” *Ballish*, 2026-Ohio-503, at ¶ 15, quoting R.C. 2929.25(A)(1)(a). However, any sanctions imposed must be “in the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior.” *Id.* at ¶ 15, quoting R.C. 2929.25(C)(2).

{¶ 84} In *State v. Jones*, 49 Ohio St.3d 51, 53 (1990), the Ohio Supreme Court held that when determining whether community-control sanctions reasonably relate to the statutory goals for sentencing, courts should consider whether the condition is “(1) reasonably related to rehabilitating the offender, (2) has some relationship to the crime of which the offender was convicted, and (3) relates to the conduct, which is criminal or reasonably related to future criminality and serves the statutory ends of probation.” *Id.*; see also *Euclid v. Washington*, 2026-Ohio-2081, ¶ 31 (8th Dist.), quoting *Boyd*, 2023-Ohio-459, at ¶ 16 (8th Dist.) (holding that a community-control sanction that ordered a defendant to undergo a mental-health assessment was “obviously intended to contribute to [defendant’s] rehabilitation because [it] facilitate[s] mental-health treatment and because [it is], ‘by [its] very nature,’ designed for rehabilitation”).

{¶ 85} The record shows that prior to ordering an examination by a mental-health professional, the court pointed to McDaniel’s behavior in the courtroom (referencing her body language during the proceedings), McDaniel’s behavior following the July 30, 2025 incident, and defense counsel’s statements that McDaniel may have post-traumatic stress disorder. The court also stated that a mental-health evaluation would “put the Court in the position where the Court feels comfortable that she’s in the community.”

{¶ 86} Based on the foregoing, we find that the trial court did not abuse its discretion in ordering McDaniel to be seen by a mental-health professional. This condition of probation was reasonably related to the goals of rehabilitating

McDaniel, protecting against the possibility of future criminality, and furthering the safety of the community. *See Boyd* at ¶ 16 (stating that community-control sanctions must be related to the circumstances of the offense, but do not necessarily need to relate only to the conviction itself). A thorough review of the record does not show that the trial court abused its discretion in ordering a mental-health evaluation as a condition of probation.

{¶ 87} McDaniel’s first assignment of error is overruled.

{¶ 88} Finally, we note that McDaniel’s opening brief occasionally makes arguments outside of the assignments of error. Having considered each of McDaniel’s assignments of error, we decline to address these stray arguments for purposes of appeal. *See Curry v. Columbia Gas of Ohio*, 2020-Ohio-2693, ¶ 14 (10th Dist.) (Appellate courts do not determine appeals based on mere arguments and may dismiss any arguments not specifically included in an assignment of error.), citing *Evans v. Ohio Dept. of Rehab. & Corr.*, 2019-Ohio-3788, ¶ 11, fn. 2 (10th Dist.), citing App.R 12(A)(1)(b); *see Bonn v. Bonn*, 2013-Ohio-2313, ¶ 9 (10th Dist.) (stating that it will disregard any superfluous arguments not raised by the actual assignment of error under review); *see also Hudson v. Keyse LLC Sherrills*, 2022-Ohio-126, ¶ 12 (8th Dist.) (Court of appeals is not required to consider errors that were not assigned and argued.).

{¶ 89} During oral argument, McDaniel raised new arguments not previously addressed below or in her appellate briefing. We decline to address these arguments as well because “an issue raised during oral argument for the first time

and not assigned as error in an appellate brief is waived.” *O’Donnell v. N.E. Ohio Neighborhood Health Servs.*, 2020-Ohio-1609, ¶ 73 (8th Dist.), quoting *Andreyko v. Cincinnati*, 2003-Ohio-2759, ¶ 20 (1st Dist.).

{¶ 90} Judgment affirmed.

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. 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.

LISA B. FORBES, JUDGE

MICHELLE J. SHEEHAN, A.J., and
MICHAEL JOHN RYAN, J., CONCUR