

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 116049
v.	:	
	:	
JIMMY LEE PIKE,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: October 22, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-22-675450-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, Daniel T. Van and Samantha M. Sohl, Assistant Prosecuting Attorneys, and Arwa Elmashae, Legal Intern, *for appellee*.

Richard E. Hackerd, *for appellant*.

TIMOTHY W. CLARY, J.:

{¶ 1} Defendant-appellant Jimmy Lee Pike (“Pike”) appeals from his convictions following a guilty plea, contending that he did not enter a knowing, voluntary, and intelligent plea. For the following reasons, we affirm.

I. Factual and Procedural History

{¶ 2} On October 25, 2022, a Cuyahoga County Grand Jury indicted Pike on three counts of rape in violation of R.C. 2907.02(A)(1)(b) and four counts of gross sexual imposition in violation of R.C. 2907.05(A)(4). Pike initially pleaded not guilty to these charges.

{¶ 3} Nearly three years later, the case was set for trial on June 9, 2025. On that date, the State placed a plea offer on the record, stating that in exchange for Pike pleading guilty to one amended count of sexual battery in violation of R.C. 2907.03(A)(1) and two counts of gross sexual imposition as charged, the State would nolle the remaining counts. The plea agreement also required that Pike have no contact with the victim and that he be classified as a Tier III sexual offender.

{¶ 4} Pike's counsel stated that he had "very briefly" discussed the plea offer with Pike, and "right now his answer is he wants a trial." (Tr. 11). The following exchange then occurred between Pike and the court:

THE COURT: Mr. Pike, are you comfortable having a conversation with me about the plea offer?

PIKE: Yeah.

THE COURT: Well, first, let me ask you, is this a case that you — regardless of what the State would offer you, do you want your trial?

PIKE: Yes.

THE COURT: Is that a yes?

PIKE: Yes.

THE COURT: So it doesn't matter what they bring to the table, you want to go forward? The reason I ask that is I am not going to put pressure on the State to come back with something else, okay. I don't

get involved in plea negotiations like that. I just want to make sure that you understand what exactly you are going to trial on.

So we have got a seven-count indictment, and the maximum penalty is life without the possibility of parole, all right. I need to know that you understand the magnitude of that. And if we go to trial, you may be found guilty on either one or all of those rape counts that carry with it that penalty. And today is the day that you really have to come to terms with that, and compare it to what they are offering you.

Now, the maximum time by my calculation, and I think counsel would agree, on the plea offer is 18 years. I can't tell you whether or not that's what you would be sentenced to. I don't know enough about the case and it wouldn't be fair to you or anybody if I just throw out a number, okay. But I need you to really compare. And you know what the evidence is that the State is going to attempt to introduce during a trial. You need to look at the maximum exposure on the plea and the maximum exposure if you are found guilty on even one count of this indictment.

So you are looking at a maximum of 18 years and comparing that to life without parole. And that's a heavy decision for you to consider. We have some time today because the attorneys want to give the jurors a questionnaire. We are going to have them fill it out and give the attorneys enough time to get into those questionnaires.

But this morning, I want you to think about what's being placed on the table today. Do you want some time back there with [your counsel] to go over it?

PIKE: Yes.

THE COURT: Okay. Why don't you take some time. I am going to be available for you all morning. I mean, don't take all morning, but —

DEFENSE COUNSEL: We won't, Your Honor.

THE COURT: I just want you to really think about it and make a decision with all the information that you have in front of you. I will consider at sentencing any mitigation, anything that you present. And the Court does consider acceptance of responsibility when you take a plea, okay. Even if you don't want to say anything at all at your sentencing hearing, that's built into it. But if you want your trial, we are all ready to do that, okay. All right.

(Tr. 11-14.)

{¶ 5} Following that exchange, the case was continued until June 11, 2025. On that date, the State presented two revised plea offers on the record. In the first option, the State informed the court that it would accept a guilty plea to one amended count of sexual battery and one count of gross sexual imposition; Pike's maximum exposure under that plea agreement would be 13 years in prison. In the second option, the State informed the court that it would accept a guilty plea to two amended counts of sexual battery and two counts of gross sexual imposition. Pike's maximum exposure under this plea agreement would be 20 years; however, the offenses to which Pike would be pleading guilty would not be subject to mandatory time, so he would be eligible for community control instead of prison under the second plea offer.

{¶ 6} After the State placed these offers on the record, the court addressed Pike:

Option two, four third-degree felonies, each one up to five years. There is a distinction that I think I can only really talk about because I am the one that's responsible for sentencing. There is a lot that a judge considers when imposing a sentence. When the law tells me that a sentence is a mandatory prison sentence, it shapes the entire sentence.

There aren't very many offenses that are mandatory prison time. The State of Ohio gives judges a lot of discretion when it comes to sentencing. Way more than the federal system, way more than a lot of other states. We have a lot of discretion here. But when they say it's mandatory, that tells me that the law created by elected officials representing the citizens of Ohio think that the person charged with or convicted of this crime just needs to go to prison, all right. That clouds the rest of the sentence. It kind of blows up the whole sentence, where you are looking at the higher end.

I don't tell a lot of people what happens inside of our minds, but I think it's critical to somebody making such an important decision, for you to know what's happening in the mind of the person responsible for sentencing. So when there is a count with a mandatory sentence, it kind of puts it in a different stratosphere. Looking at option two and thinking okay, the State is willing to be reasonable. And I think that going through the mind of a prosecutor embarking on a trial of this nature, their obligation is to the people of Ohio, but also to their witnesses, one of which is your child.

And in offering something like this, they are considering the turmoil, regardless of what the testimony will be or whether you believe the testimony to be true and accurate, the experience of bringing a child into a court of law is enormous. The magnitude and the repercussions, they cannot take lightly.

And in so doing, I believe they fashioned a sentence that gives you some comfort that you are not going to be spending your twilight years in prison. It gives me an indication, all right, this may not be a max consecutive type of sentencing. This may be reasonable minds are coming together to look at all aspects of the allegations, all aspects of you as a human being in your condition and who you were at the time of these allegations and who you are today, and all of the reports and all of the reports and information that will be before the Court. It gives me a lot more discretion to piece together a sentence that makes sense for everybody.

It opens a lot of doors when they say okay, the State doesn't say it's mandatory. They're very serious offenders. There is a reporting requirement. There are a lot of negative connotations that go along with that that will remain with you. You have to consider all of that. But then looking at what could be a minimal sentence compared to a life sentence, you've got to consider it. I mean, you really have to look at the whole big picture.

And you know what, even if you are — you are presumed innocent. And if you are not guilty but you are convicted anyway — I mean, there's so many things that you have to consider. And I don't know that you have because unfortunately you and I don't get an opportunity to have these conversations until we are about to start the trial.

It's going to be a long trial. It will be a long process to get a jury. How about that. We have 50 jurors that we are going to interview. And we have already started that process with the questionnaire. And the four

of us probably spent the majority of the day yesterday going through and getting to know these jurors. It's going to be a difficult process seating them just because of the nature of the case.

What are you thinking now?

(Tr. 20-24.)

{¶ 7} Defense counsel then asked for a few minutes to discuss the case with Pike; the court took a brief recess. When the court came back on the record, Pike communicated that he wanted to accept the State's second revised plea offer.

{¶ 8} The court then engaged Pike in a Crim.R. 11 plea colloquy, which included the following exchange:

THE COURT: Has anyone threatened or forced you to enter a plea of guilty?

PIKE: No.

THE COURT: Has anyone made any promises to you in exchange for a plea of guilty?

PIKE: No.

THE COURT: Do you understand that I have made no promises with regard to what your sentence will be?

PIKE: Yes.

(Tr. 26-27.).

{¶ 9} The court confirmed with defense counsel and the assistant prosecuting attorney that it had complied with Crim.R. 11 and proceeded to accept Pike's guilty pleas to two amended counts of sexual battery and two counts of gross sexual imposition.

{¶ 10} On June 12, 2025, the court held a sentencing hearing. The court reiterated the sexual-offender registration requirements to Pike that it had explained at the change-of-plea hearing the previous day. The assistant prosecuting attorney then addressed the court and summarized the facts of the case, explaining that the case involved a course of conduct of sexual abuse against Pike's biological child when the child was seven to nine years old. The assistant prosecuting attorney detailed the lasting impact of the abuse on the victim and asked the court to consider imposing a maximum consecutive sentence of 20 years in prison. The victim's mother addressed the court, and a victim advocate read a statement from the victim into the record. Defense counsel and Pike also addressed the court.

{¶ 11} The court sentenced Pike to three years on each sexual-battery charge and four years on each gross-sexual-imposition charge and ordered the sentence to be served consecutively for a total sentence of 14 years.

{¶ 12} At the conclusion of the sentencing hearing, the following exchange occurred:

DEFENSE COUNSEL: Yes, Your Honor. I don't know if — I know you have considered this sentence, but if you will recall there was a — it looked like a more severe sentence before we faced — which if you maxed out on it, the felony 2 mandatory and the felony 3 non-mandatory, that was — that was 13 max. Now, with lesser crimes, it has become a 14-year sentence, Your Honor.

I was — I would ask the Court to reconsider one of the counts at least. He made his decision which way to go based on quite a bit of his interpretation and my interpretation of what you said about a mandatory sentence and how it would influence your possible sentence. And that was 13 years if he had gotten max, max with the F2, F3. Now, with all F3, non-mandatory, he ends up with an extra year, Your Honor.

So if the likelihood was — just taking the other deal, was 13, I would ask the Court to reconsider this sentence. And if the Court is convinced 13 — or maximum was good on the other one, adding an extra year I don't think is appropriate, Your Honor.

THE COURT: I am not considering the options that he had before him at the time of sentencing. I didn't do the math on the other options that he was offered.

DEFENSE COUNSEL: It was an eight-year max and a five-year max, Your Honor. And I thought it was clear, you made clear to both of us, especially to him. The way he understood it was it is so much more severe when he pleads guilty to an eight-year max sentence — or mandatory sentence because of what the legislature is telling the judges what to do, the seriousness of the offense. So I would ask the Court to reconsider that. But that was the max he could have had on that. Absolute max.

THE COURT: Does the State want to be heard?

ASSISTANT PROSECUTING ATTORNEY: Yes, Your Honor. Thank you and may it please the Court. Your Honor, this defendant was advised of all of his rights, responsibilities, and any potential penalties of both options, which is the duty of this Court. This Court simply followed its duty. And in choosing option two, this Court fully advised defendant again of his rights and the potential penalties. There's been no sentence promised to him, that no threats, promises, or inducements were made to him to accept that plea agreement after a full Rule 11 colloquy, that he then accepted.

And this Court, I remember specifically, advised him of the potential of 20 years. This Court sentenced him to 14 based on a number of factors this Court has already outlined based on this sentencing hearing. So I believe what [defense counsel] is representing for the record is maybe what they were hoping for, but I don't believe at any time was it ever put on the record that that's what was expected, that's what this Court was going to do.

This Court made it abundantly clear that this was the penalty here, this was the penalty here. When you look at a felony of the second degree with mandatory prison, you are looking a little bit differently than felonies of the third degree. But the felonies of the third degree option carry greater prison.

This defendant knew that. He was advised fully of his Rule 11 rights under Criminal Rule 11. His plea was found to be knowingly, intelligently, and voluntarily made. There were no objections raised by defense regarding the Rule 11 colloquy. This defendant entered four guilty pleas yesterday, accepted responsibility according to him today.

And so I completely object to everything [defense counsel] is saying, the representations he's making on this record. This is not what was provided, that's not what was relied on. And it was not the understanding in any of the discussions that were had after this Court spoke with defendant and provided him adequate time, over a half an hour, on our third day of trial, while 50 jurors were in the back, and we were ready to go to trial if this defendant wanted to reject either plea agreement. Thank you.

DEFENSE COUNSEL: Your Honor, if I could respond. That's a little overboard. Third day of trial is wrong. She knows that. It was continued because of them. Not because of us. We were ready to go on Monday. So that goes out the window.

Again, it was — we knew 13 was the max on the other one. And the reason this was talked — taken this way was your discussion with him, with us about how serious you take — you take everything seriously. I understand that. But you — there was a strong implication that when the legislature — the words were legislature says it must be mandatory, I take that more seriously.

So I am asking the Court to consider amending this sentence to reflect the max of the F2, F3, which again, I think would look — not that this would matter, but would look a heck of a lot worse on his record. I think that that's what would be appropriate if the Court was willing to do that, Your Honor. Thank you.

THE COURT: We did have a discussion yesterday. My recollection, though, of that portion of the discussion was as it related to the indictment and him being found guilty by a jury. I understand what you are saying, [defense counsel.] I can't reconcile someone accepting responsibility and then saying basically it didn't happen. He did not take responsibility for the acts that brought him here.

DEFENSE COUNSEL: I think he did, Your Honor.

THE COURT: Did he sexually abuse his child. That's what I asked. The basis for the indictment, the basis for the plea that he pled to. He didn't.

But I find your argument well-taken, [defense counsel.] I will amend one of the sentences. On Count 1. Count 1 will be a two-year sentence, for an aggregate sentence of 13 years, to avoid any issues —

DEFENSE COUNSEL: Thank you, Your Honor.

THE COURT: — on appeal. You are ordered remanded, Mr. Pike, to begin service of your sentence.

(Tr. 68-73.)

{¶ 13} The trial court's sentencing journal entry reflects that the court sentenced Pike to 13 years in prison.

{¶ 14} Pike appealed. He now raises a single assignment of error for our review:

The trial court violated Appellant's rights to due process under the Fifth and Fourteenth Amendments to the United States Constitution, Article I, Section 10 of the Ohio Constitution, and Crim.R. 11(C), when it accepted a guilty plea that was not knowing, intelligent, and voluntary because the court's extensive participation in the plea discussions exerted coercive pressure on Appellant to abandon his previously asserted right to trial.

II. Law and Analysis

{¶ 15} In his sole assignment of error, Pike argues that the trial court did not comply with Crim.R. 11 because the court's extended discussions of the plea offers exerted coercive pressure on Pike to plead guilty.

{¶ 16} It is well established that "[b]ecause a no-contest or guilty plea involves a waiver of constitutional rights, a defendant's decision to enter a plea must be knowing, intelligent, and voluntary." *State v. Dangler*, 2020-Ohio-2765, ¶ 10,

citing *Parke v. Raley*, 506 U.S. 20 (1992). Crim.R. 11(C) sets forth certain constitutional and procedural requirements that a trial court must comply with prior to accepting a guilty plea. The Ohio Supreme Court has summarized appellate review of compliance with Crim.R. 11(C) as follows:

Properly understood, the questions to be answered are simply: (1) has the trial court complied with the relevant provision of the rule? (2) if the court has not complied fully with the rule, is the purported failure of a type that excuses a defendant from the burden of demonstrating prejudice? and (3) if a showing of prejudice is required, has the defendant met that burden?

Dangler at ¶ 17. In reviewing a plea's compliance with Crim.R. 11(C), appellate courts apply a de novo standard of review. *State v. Johnson*, 2025-Ohio-5513, ¶ 9 (8th Dist.), citing *State v. Lebron*, 2020-Ohio-1507, ¶ 9 (8th Dist.).

{¶ 17} One of the requirements of Crim.R. 11(C) is that the court determine from a colloquy with the defendant whether the defendant understands the nature of the charge and maximum penalty. *State v. Everette*, 2018-Ohio-4863, ¶ 17 (8th Dist.), citing Crim.R. 11(C)(2) and *State v. Brown*, 2017-Ohio-184, ¶ 5 (8th Dist.), citing *State v. Veney*, 2008-Ohio-5200.

{¶ 18} Pike does not dispute that the trial court complied with this provision of Crim.R. 11. Instead, he asserts that the trial court's extensive comments to Pike went beyond a neutral explanation of Pike's maximum exposure and amounted to coercive comments that pressured Pike to plead guilty.

{¶ 19} Although the Ohio Supreme Court has “strongly discourage[d]’ trial court participation in the plea bargaining process, a plea is not presumptively invalid merely because of such involvement.” *Everette* at ¶ 23, quoting *State v. Bush*, 2018-

Ohio-4213 (8th Dist.), citing *State v. Byrd*, 63 Ohio St.2d 288, 293 (1980). Instead, the relevant inquiry is whether the trial court's involvement impacted the voluntariness of the plea. *Id.* "Ordinarily, if the [court's] active conduct could lead a defendant to believe he cannot get a fair trial because the [court] thinks that a trial is a futile exercise or that the [court] would be biased against him at trial, the plea should be held to be involuntary. . . ." *Id.*, quoting *Byrd* at 293-294.

{¶ 20} Having thoroughly reviewed the record, we conclude that the trial court's statements to Pike regarding the various plea offers at issue in this case do not amount to coercive involvement that impacted the voluntariness of Pike's plea. The trial court thoroughly explained Pike's potential exposure if he were to accept any of the State's plea offers or proceed to trial and be found guilty. Our review of the record reflects that although the court's comments were extensive, they were neutral, informative, and appeared to be made in the interest of ensuring that Pike understood the consequences of each option before him.

{¶ 21} Moreover, the record reflects that after the trial court engaged in a lengthy explanation of Pike's exposure, Pike confirmed during the Crim.R. 11 plea colloquy that no one, including the trial court, threatened or pressured him to plead guilty and that he was not pleading guilty based on the promise that he would receive a particular sentence. For these reasons, we conclude that Pike's guilty pleas were knowing, intelligent, and voluntary, and the court complied with Crim.R. 11. Pike's sole assignment of error is overruled.

{¶ 22} 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. The defendant's conviction 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.

TIMOTHY W. CLARY, JUDGE

MICHAEL JOHN RYAN, P.J., and
DEENA R. CALABRESE, J., CONCUR