[Cite as *State v. Drain*, 2026-Ohio-4576.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	No. 116023
v.	:	
ZURI DRAIN,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: November 19, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case Nos. CR-25-702846-A, CR-25-702947-A, and CR-25-705278-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney and Matthew W. Moretto, Assistant Prosecuting Attorney, *for appellee*.

Gabrielle Ploplis, *for appellant*.

MARY J. BOYLE, J.:

{¶ 1} Defendant-appellant Zuri Drain ("Drain") appeals his convictions from three separate cases in the Cuyahoga County Court of Common Pleas: CR-25-

702846-A, CR-25-702947-A, and CR-25-705278-A. He raises the following two assignments of error for review:

> **Assignment of Error I:** The trial court erred in accepting a guilty plea where insufficient assurance was made that [Drain] understood the nature of the offenses charged, possible penalties associated, and impact of pleading guilty prior to entering a guilty plea especially in light of newly prescribed medication.
>
> **Assignment of Error II:** The trial court's application of the Reagan Tokes Act was plain error and violative of [Drain's] constitutional rights under both the United States and Ohio Constitutions.

{¶ 2} For the reasons set forth below, we affirm Drain's convictions.

I. Facts and Procedural History

{¶ 3} In the summer and autumn of 2025, Drain was indicted in three separate cases: Nos. CR-25-702947-A, CR-25-702846-A, and CR-25-705278-A. All three cases were violent crimes involving firearms.

{¶ 4} In June 2025, in case No. CR-25-702846-A, Drain was charged in a three-count indictment for aggravated burglary (Count 1); burglary (Count 2); and aggravated menacing (Count 3). Each of Counts 1 and 2 carried both a one- and three-year firearm specification. The charges arose from an altercation on April 19, 2025, in which Drain broke into the victim's home, threatened the victim with a firearm, fled, and then followed the victim as she drove to the police department to report the incident.

{¶ 5} In July 2025, in case No. CR-25-702947-A, Drain was charged in a seven-count indictment for aggravated burglary (Count 1); aggravated robbery (Count 2); robbery (Count 3); theft (Count 4); assault (Count 5); and two counts of

criminal damaging or endangering (Counts 6 and 7). Each of Counts 1-3 carried both a one- and three-year firearm specification. The charges arose from a violent altercation on April 19, 2025, the same day as the charges underlying case CR-25-702846-A, in which Drain broke into the victim's apartment and assaulted the victim and her friend while wielding a firearm and threatening to shoot up the apartment.

{¶ 6} In August 2025, Drain filed a motion to modify the conditions of bond in Case Nos. CR-25-702846-A and CR-25-702947-A. He requested a change from home detention to an inclusion-zone detention as home detention allegedly impeded his ability to work. A bond hearing was later held, and Drain's motion was denied. At that time, the court ordered Drain to be examined to determine his eligibility for Mental Health and Developmental Disabilities Court ("MHDD").

{¶ 7} In September 2025, in case No. CR-25-705278-A, Drain was charged in a four-count indictment for felonious assault (Count 1), which carried one- and three-year firearm specifications; having weapons while under disability (Count 2); obstructing official business (Count 3); and tampering with evidence (Count 4). The charges arose from an altercation on September 3, 2025, in which Drain had a verbal altercation with the victim before shooting at the victim and fleeing. The crimes occurred while Drain was on supervised release for the prior two cases.

{¶ 8} In November 2025, the matter proceeded to a plea hearing. At the hearing, the trial court reviewed the court-ordered mental health evaluation that found that Drain did not suffer from an intellectual disability or psychotic disorder

and was ineligible for transfer to MHDD. Drain's counsel accepted these findings. The trial court then provided the Crim.R. 11 plea colloquy. Both the State and Drain's counsel agreed the trial court complied with Crim.R. 11. The trial court then accepted Drain's guilty plea as to each case in accordance with the negotiated plea agreement and concluded that Drain made each plea knowingly, intelligently, and voluntarily. (Tr. 88.)

{¶ 9} Pursuant to the extensive plea negotiations, the State and Drain entered into an agreed-upon plea and recommended sentencing range of 8-12 years for all three cases. The plea was amended as follows: Drain pled guilty in case No. CR-25-702947-A to Count 1, amended to second-degree felony burglary; Count 3, robbery; Count 5, assault; and Count 7, criminal damaging. Counts 2, 4, and 6 and the remaining firearm specifications were dismissed. In case No. CR-25-705278-A, Drain pled guilty to Count 1, felonious assault with three-year specification; Count 2, having weapons while under disability; and Count 4, tampering with evidence. Count 3 and the remaining firearm specifications were dismissed. In case No. CR-25-702846-A, Drain pled guilty to Count 2, burglary with one-year specification; and Count 3, aggravated menacing. Count 1 and the remaining firearm specifications were dismissed.

{¶ 10} In December 2025, the trial court sentenced Drain to an aggregate term of 10 to 13 years in prison.

{¶ 11} It is from this order that Drain now appeals, raising two assignments of error. All other relevant facts will be discussed below in the analysis of each assigned error.

II. Law and Analysis

A. Pleas

{¶ 12} In his first assignment of error, Drain alleges the trial court erred in accepting his guilty pleas where there was insufficient assurance provided by the trial court that he understood the charges against him and the resulting pleas.

{¶ 13} Due process requires that a defendant's plea be made knowingly, intelligently, and voluntarily; otherwise, the plea is invalid. *State v. Bishop*, 2018-Ohio-5132, ¶ 10, citing *State v. Clark*, 2008-Ohio-3748, ¶ 25. "Failure on any of those points renders enforcement of the plea unconstitutional under both the United States Constitution and the Ohio Constitution." *State v. Engle*, 74 Ohio St.3d 525, 527 (1996), citing *Kercheval v. United States*, 274 U.S. 220, 223 (1927); *Mabry v. Johnson*, 467 U.S. 504 (1984); *Boykin v. Alabama*, 395 U.S. 238 (1969); *State v. Kelley*, 57 Ohio St.3d 127 (1991); Crim.R. 11(C).

{¶ 14} To ensure the constitutionality of pleas, Crim.R. 11(C) sets forth specific procedures that trial courts must follow when accepting guilty pleas, covering the waiver of constitutional rights and the explanation of nonconstitutional rights. *State v. Nero*, 56 Ohio St.3d 106, 107-108 (1990). The purpose of Crim.R. 11(C) is "to convey to the defendant certain information so that he [or she] can make a voluntary and intelligent decision whether to plead guilty." *State v.*

Ballard, 66 Ohio St.2d 473, 479-480 (1981). The rule also "'ensures an adequate record on review by requiring the trial court to personally inform the defendant of his rights and the consequences of his plea and determine if the plea is understandingly and voluntarily made.'" *State v. Dangler*, 2020-Ohio-2765, ¶ 11, quoting *State v. Stone*, 43 Ohio St.2d 163 (1975).

{¶ 15} In *Dangler*, the Ohio Supreme Court held that in determining whether a trial court complied with Crim.R. 11, reviewing courts shall consider the following questions:

> (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?

Id. at ¶ 17.

{¶ 16} When determining whether a plea was made knowingly, intelligently, and voluntarily, a reviewing court must examine "the totality of the circumstances through a de novo review." *State v. Nevels*, 2020-Ohio-915, ¶ 19 (8th Dist.), citing *State v. Albright*, 2019-Ohio-1998, ¶ 16 (8th Dist.).

{¶ 17} Drain does not argue that the trial court failed to give him the proper constitutional advisements during the plea hearing or that the court failed to completely comply with Crim.R. 11(C). Instead, he contends that the trial court failed to adequately ensure that Drain understood the charges he was pleading to and the effect of his pleas, which rendered his pleas not knowingly, intelligently, or voluntarily made. In support of his argument, he relies on the following three points

in the plea hearing to support his claim: (1) when the trial court asked Drain whether he was thinking clearly, he answered "kind of," (tr. 75); (2) when asked about medication prescribed while in custody, Drain indicated that the medication he was taking helped with his mental-health diagnoses "kind of" but did not always help "with the voices," (tr. 78); and (3) when the trial court asked Drain whether he understood what he was doing during the pleas, he answered "kind of." (Tr. 79-80.) Drain claims, on these facts, and in light of the complex nature of the case — a global resolution involving three cases, multiple felonies, firearm specifications, mandatory consequences, and Reagan Tokes exposure — that the trial court was required to inquire further into his understanding to ensure his pleas were knowingly, intelligently, and voluntarily made.

{¶ 18} Our review of the record, however, reveals further inquiry *was* made and the trial court both complied with Crim.R. 11 and went to great lengths to ensure Drain understood his pleas. The trial court explained the constitutional rights Drain would waive if he pled guilty and that his pleas would serve as an admission of guilt and ensured Drain's understanding of each. The trial court informed Drain of the potential and mandatory sentence lengths, postrelease control terms, and potential Reagan Tokes tails for each of the charges to which he pled guilty, ensuring after each count that Drain understood the potential consequences of his pleas. The trial court reviewed each of these in detail multiple times, even after Drain confirmed his understanding.

{¶ 19} Drain's equivocal responses at limited points in the record do not invalidate his pleas. His citations to three instances of his responses of "kind of" are followed by repetitive questions by the trial court to understand his point of confusion, and receipt of affirmative, unequivocal responses from Drain confirming that he did understand and had no further questions. The trial court repeatedly assured Drain it would take whatever time was needed to ensure he understood the nature of the plea proceedings and the questions being asked of him and did not proceed without unequivocal responses from Drain that he understood. The trial court also encouraged him to ask questions if he had confusion at any point in the proceedings. At no point did Drain ask questions or request clarification. The record is clear that the trial court engaged in a methodical colloquy, and at every instance of uncertainty ensured that Drain understood his pleas.

{¶ 20} Drain also contends that his mental-health concerns and effects of recent medication changes impaired his "understanding, judgment, lucidity, or decision-making," rendering his pleas invalid. (Drain's brief p. 10.) He points to *State v. Nickell*, 2008-Ohio-1571 (6th Dist.), for the assertion that, when mental illness is demonstrated to affect the defendant's understanding of his plea, that the defendant's ultimate answer of "yes" to inquiries of his understanding of his plea may not be sufficiently indicative that his plea is knowingly, voluntarily, and intelligently made.

{¶ 21} Initially, we note that the "mere fact that a defendant suffered from a mental illness or was taking psychotropic medication under medical supervision

when he entered a guilty plea is not an indication that his plea was not knowing and voluntary, that the defendant lacked mental capacity to enter a plea or that the trial court otherwise erred in accepting the defendant's guilty plea." *State v. McClendon*, 2016-Ohio-2630, ¶ 16 (8th Dist.), citing *State v. Robinson*, 2007-Ohio-6831, ¶ 18 (8th Dist.); *State v. Ketterer*, 2006-Ohio-5283, ¶ 71 ("The fact that a defendant is taking * * * prescribed psychotropic drugs does not negate his competence to stand trial."); *see also State v. Knight*, 2021-Ohio-3674, ¶ 31 (8th Dist.), citing *State v. Carson*, 2021-Ohio-209, ¶ 12 (8th Dist.).

{¶ 22} Further, Drain's reliance on *Nickell* is misplaced. In *Nickell*, throughout the plea colloquy, the defendant maintained her innocence, expected to present evidence at trial, and incoherently answered questions, which the appellate court found clearly indicated her inability to understand the questions asked of her and the legal consequences of her plea. *Id.* at ¶ 115. The appellate court found the trial court's reliance on Nickell's ultimate answer of "yes," after persistent questioning without first ensuring her understanding in the face of her obvious confusion and incapacity, was insufficient to deem her plea knowingly, voluntarily, and intelligently made. *Id.* at ¶ 130. But that record is far different than the record before us now.

{¶ 23} Here, Drain provided coherent responses to each of the trial court's inquiries throughout the plea proceeding. Nothing in the record, despite Drain's equivocal responses of "kind of" — which were thoroughly fleshed out by the trial

court with further assurance of his understanding before continuing — indicates Drain could not comprehend or coherently respond to the trial court's inquiries.

{¶ 24} Furthermore, Drain makes no connection of how his mental-health concerns prevented his understanding of the basis and effect of his plea and our review of the record reflects as much. When Drain stated that his medications only "kind of" helped, he explained that the medications did not help his anxiety or depression, and only mostly helped with the "voices." (Tr. 78.) In response, the trial court reviewed the court-ordered psychiatric evaluation in which Drain was deemed clinically ineligible for transfer to the MHDD docket. The report specifically noted that Drain had not endorsed or disclosed symptoms of bipolar disorder, or any psychotic symptoms like hallucinations or delusions. During the evaluation, he was "oriented of time, place and person." (Tr. 61.) Ultimately, the clinician "opined within reasonable professional certainty that [Drain did] not have an intellectual disability nor a psychotic disorder." (Tr. 61.) The trial court reviewed the clinician's report, confirmed Drain's counsel's acceptance of the report, noted that from its perspective "it seems that you're understanding what's happening here because we're having a conversation and you were indicating so" and received Drain's affirmation that he understood. (Tr. 79.) Thus, the record reflects Drain's purported mental-health symptoms did not impair his ability to understand the consequences of his pleas.

{¶ 25} Further, the trial court found that Drain made his pleas knowingly, voluntarily, and intelligently, and his counsel and the State both agreed that the

colloquy complied with Crim.R. 11. (Tr. 84, 88.) Our review of the record supports those findings.

{¶ 26} Therefore, the record was sufficient to show that the trial court adequately ensured that Drain understood the nature of the offenses charged, possible penalties associated, and impact of pleading guilty prior to entering his guilty pleas.

{¶ 27} Accordingly, the first assignment of error is overruled.

B. Reagan Tokes Law

{¶ 28} In his second assignment of error, Drain contests the constitutionality of the Reagan Tokes Law. We summarily overrule this assignment of error. As Drain acknowledges, this court is bound by the Ohio Supreme Court's decision in *State v. Hacker*, 2023-Ohio-2535, holding that the Reagan Tokes Law is constitutional. Drain has not raised any novel issues concerning the Reagan Tokes Law's constitutionality that have not been addressed in *Hacker*.

{¶ 29} 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 appellant'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.

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MARY J. BOYLE, JUDGE

EMANUELLA D. GROVES, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR