

[Cite as *State v. King*, 2024-Ohio-4705.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CHAMPAIGN COUNTY

STATE OF OHIO	:	
	:	
Appellee	:	C.A. No. 2024-CA-1
	:	
v.	:	Trial Court Case No. 2023 CR 071
	:	
JAMIE JAMIEL KING	:	(Criminal Appeal from Common Pleas
	:	Court)
Appellant	:	
	:	

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OPINION

Rendered on September 27, 2024
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JENNIFER E. MARIETTA, Attorney for Appellant

JANE A. NAPIER, Attorney for Appellee
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TUCKER, J.

{¶ 1} Jamie Jamiel King appeals from his conviction following a guilty plea to one count of murder with a three-year firearm specification.

{¶ 2} King alleges ineffective assistance of counsel based on his attorney's failure to enter a not-guilty-by-reason-of-insanity (NGRI) plea or to inform him of the effect a

guilty plea would have on that potential defense. He also asserts that the trial court lacked authority to order forfeiture of property absent a forfeiture specification in his indictment.

{¶ 3} We conclude that the record does not portray ineffective assistance of counsel on the NGRI issue. Moreover, forfeiture was effectuated through the parties' negotiated plea agreement, making a forfeiture specification unnecessary. Accordingly, the trial court's judgment will be affirmed.

I. Background

{¶ 4} A grand jury indicted King for aggravated murder, murder, and other offenses related to the shooting death of his girlfriend. After undergoing an evaluation and being found competent to stand trial, King pled guilty to one count of purposeful murder with a firearm specification in exchange for dismissal of the other charges. As part of his written plea agreement, King agreed "to forfeit the property listed in State's Exhibit 1 (Urbana Police Division Property List #23-013094) to the Urbana Police Division, except Item 32 (i.e. Defendant's wallet and its contents), which shall be returned to the Defendant or his representatives." The trial court accepted the guilty plea and later imposed an aggregate mandatory sentence of 18 years to life in prison. King timely appealed, advancing two assignments of error.

II. Analysis

{¶ 5} King's first assignment of error states:

Mr. King received ineffective assistance of Counsel when his attorney failed to file a Not Guilty by Reason of Insanity (NGRI) Plea and request the appropriate evaluation or advise Defendant of the effect his plea would have

on that defense.

{¶ 6} Although King was found competent to stand trial, he stresses that an evaluation report noted concerns about him having delusional and paranoid thinking. The record contains evidence that family members had reported a possible schizophrenia diagnosis. King contends his actions during pretrial proceedings also reflected paranoid behavior and potential mental-health issues. Under these circumstances, he argues that his attorney should have entered an NGRI plea and sought a corresponding evaluation. King also claims his attorney failed to tell him that a guilty plea might waive the NGRI issue on appeal.

{¶ 7} We review alleged instances of ineffective assistance of counsel under the two-part analysis found in *Strickland v. Washington*, 466 U.S. 668 (1984), which the Ohio Supreme Court adopted in *State v. Bradley*, 42 Ohio St.3d 136 (1989). To prevail on an ineffective-assistance claim, a defendant must show that trial counsel rendered deficient performance and that counsel's deficient performance prejudiced him. *Strickland* at paragraph two of the syllabus; *Bradley* at paragraph two of the syllabus.

{¶ 8} Upon review, we see no ineffective assistance of counsel. "A defendant who does not plead not guilty by reason of insanity is conclusively presumed to have been sane at the time of the commission of the offense charged." R.C. 2943.03(E). Moreover, a guilty plea constitutes "an implied admission of sanity." *State v. Pepper*, 2014-Ohio-3841, ¶ 6 (2d. Dist.). We note too that King's entry of a guilty plea waived his ability to argue ineffective assistance of counsel for failing to file an NGRI plea. *Id.* at ¶ 8; see also *State v. Crew*, 2022-Ohio-752, ¶ 28 (11th Dist.) ("A guilty plea waives any argument

concerning an insanity defense.”).

{¶ 9} Indeed, this court has recognized that “[a] plea of guilty waives any claim that the accused was prejudiced by ineffective assistance of trial counsel, except to the extent that the ineffectiveness alleged may have caused the guilty plea to be less than knowing, intelligent, and voluntary.” *State v. Stivender*, 2011-Ohio-247, ¶ 15 (2d. Dist). King appears to suggest that the foregoing standard has been satisfied because his attorney neglected to advise him of the effect a guilty plea would have on an NGRI defense or his ability to raise the issue on appeal.

{¶ 10} During the plea hearing, however, King acknowledged his understanding that a guilty plea constituted “a complete admission of guilt.” It follows that a complete admission of guilt effectively negates an NGRI defense. The record also does not reveal what defense counsel told King about the NGRI issue. It may be that King, who had been found competent to stand trial, discussed the issue with counsel and elected to plead guilty. He cannot establish ineffective assistance of counsel on direct appeal based on off-the-record conversations with his attorney. *See, e.g., State v. McElrath*, 2024-Ohio-2475, ¶ 21 (2d. Dist.).

{¶ 11} Even setting aside waiver and turning to the merits, we find no ineffective assistance of counsel for failing to enter an NGRI plea. The record did not support an NGRI defense, which required proof that “at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person’s acts.” R.C. 2901.01(A)(14). Although King may have suffered from delusional and paranoid thinking, he lied to police immediately after killing

his girlfriend. He professed not to know who had killed her, claiming that he heard gunshots and started running. In light of this exculpatory response, defense counsel reasonably could have inferred that King knew the wrongfulness of his conduct and decided that an NGRI defense would fail. Therefore, counsel's failure to pursue an NGRI plea did not constitute deficient performance. The first assignment of error is overruled.

{¶ 12} King's second assignment of error states:

The Forfeiture of Property was contrary to R.C. 2941.1417 and Chapter 2981 of the Ohio Revised Code.

{¶ 13} King contends the absence of a forfeiture specification in his indictment precluded the State from obtaining forfeiture of his property. He cites R.C. 2941.1417(A), which provides that property is not subject to forfeiture unless the charging instrument so specifies. He also cites *State v. Poirier*, 2021-Ohio-1743, ¶ 29 (2d Dist.), in which we found "no statutory authority" for forfeiture where statutory procedures were not followed.

{¶ 14} Upon review, we find King's argument to be unpersuasive. Unlike the present case, *Poirier* did not involve negotiated forfeiture under a plea agreement. No statutory authority was required here because forfeiture was a product of the parties' own agreement. See, e.g., *State v. Humphrey*, 2022-Ohio-2456, ¶ 2, 9 (12th Dist.) (upholding forfeiture of a black-powder pistol pursuant to a plea agreement although the indictment lacked a forfeiture specification); *Bedford v. Doerner*, 2013-Ohio-1798, ¶ 10 (8th Dist.) ("Although the charging instrument against Doerner did not contain a forfeiture specification as required by R.C. 2981.04(A), Doerner agreed to forfeit the property nonetheless pursuant to a plea agreement and effectively waived any rights in this

regard.”). As part of his negotiated guilty plea, King agreed to forfeit certain items to the Urbana Police Division. Therefore, statutory provisions governing forfeiture were not controlling. *State v. Davis*, 2008-Ohio-753, ¶ 47-48 (2d Dist.), quoting *State v. Gladden*, 86 Ohio App.3d 287, 289 (1st Dist. 1993); *State v. Sammor*, 2008-Ohio-4847, ¶ 7 (9th Dist.). The second assignment of error is overruled.

III. Conclusion

{¶ 15} The judgment of the Champaign County Common Pleas Court is affirmed.

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WELBAUM, J. and LEWIS, J., concur.