

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

STATE OF OHIO,	:	
	:	Case No. 23CA19
Plaintiff-Appellee,	:	
	:	
v.	:	<u>DECISION AND JUDGMENT</u>
	:	<u>ENTRY</u>
TROY DOYLE,	:	
	:	RELEASED: 04/01/2025
Defendant-Appellant.	:	

APPEARANCES:

Christopher Bazeley, Cincinnati, Ohio, for appellant.

Jeffrey C. Marks, Ross County Prosecuting Attorney, Chillicothe, Ohio, for appellee.

Wilkin, J.

{¶1} Appellant, Troy Doyle (“Doyle”), appeals two judgment entries from the Ross County Court of Common Pleas wherein he pled guilty to one count of Permitting Drug Abuse, in violation of R.C. 2925.13, a fifth-degree felony, in Case Nos. 23CR162 and 23CR251.

{¶2} In his sole assignment of error, Doyle asserts that the trial court erred in violation of his right to due process under the United States Constitution and the Ohio Constitution when it accepted his guilty pleas because they were not entered into knowingly, intelligently, and voluntarily.

{¶3} After reviewing the record, the parties’ arguments, and the applicable law, we find that Doyle’s guilty pleas were knowing, intelligent, and voluntary. Therefore, we affirm his convictions.

FACTS AND PROCEDURAL BACKGROUND

{¶4} On March 24, 2023, the State filed an indictment charging Doyle in Case No. 23CR162 with knowingly permitting felony drug abuse to occur on his property on or about November 25, 2022, in violation of R.C. 2925.13, a fifth-degree felony. On May 25, 2023, the State filed a bill of information alleging in Case No. 23CR251 that Doyle on or about July 26, 2022, knowingly permitted felony drug abuse to occur on his property in violation of R.C. 2925.13, a fifth-degree felony. Doyle pleaded not guilty in both cases.

Change of Plea hearing

{¶5} On May 25, 2023, the trial court held a change of plea hearing for both cases. The court asked the parties to state the terms of their plea agreement on the record. Defense counsel read the plea on the record: “In exchange for a change of plea to guilty on both of these cases, your honor, the state recommends community control sanctions with a stated term of 11 months on both cases to be served consecutively.” The prosecutor agreed that defense counsel had accurately stated the plea.

{¶6} The trial court then engaged in a colloquy with Doyle. The court first verified Doyle’s personal information and competency. Doyle confirmed he was competent. The court reviewed the charges against Doyle and the potential penalties, ensuring he understood the allegations and consequences. The court then reviewed with Doyle his non-constitutional and constitutional rights and sought to ensure that he understood them and that by pleading guilty he waived

those rights. The court further confirmed that Doyle was entering the plea voluntarily, without coercion or promises outside the plea agreement.

{¶7} The court informed Doyle that it was not obligated to impose the 22-month sentence of community control that had been recommended by the parties. However, the court also informed Doyle that while on bond prior to sentencing, as long as he did not commit a new offense or abuse drugs, the court would likely impose the recommended sentence. But, if Doyle did “mess up[,]” the court would likely reject that sentence.

{¶8} After the court believed it received satisfactory answers from Doyle on each of these subjects, it accepted his guilty plea, and scheduled a sentencing hearing.

{¶10} At his sentencing, counsel for both the State and Doyle advocated for the agreed sentence of 22 months of community control. However, while on bond, prior to sentencing, Doyle had tested positive for cocaine.

{¶11} Because of the positive drug test as well as the “defendant’s own admission today that while on bond he was committing additional felonies[,]” and after considering R.C. 2929.11, 2929.12, and 2929.13, the court still sentenced Doyle to community control, but for a period of three years with a special condition that Doyle remain in jail until a bed is available “at a community based correctional facility, which he shall enter and complete.”

{¶12} The court further informed Doyle that if he violated his community control, he would be subject to further punishment, including prison. Doyle then asked if he was going to jail today. The court responded affirmatively. Doyle

replied: “Because there’s -- oh my god. This was not part of the plea agreement.

Can I get a bond until I go, your Honor?” The Court said: “No.”

{¶13} Doyle now appeals his two convictions for permitting drug abuse.

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN VIOLATION OF MR. DOYLE’S RIGHT TO DUE PROCESS UNDER THE UNITED STATE’S CONSTITUTION AND THE OHIO CONSTITUTION WHEN IT ACCEPTED MR. DOYLE’S GUILTY PLEAS BECAUSE THEY WERE NOT ENTERED KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY.

{¶14} Doyle makes two different arguments in support of his assignment of error that his plea is not knowing, intelligent, and voluntary: (1) the trial court erred in accepting Doyle’s guilty plea because it provided him misinformation regarding his ability to withdraw his plea, and (2) Doyle’s pleas were not knowing and intelligent where he made statements during the colloquy that indicated his lack of understanding of the charges/plea proceeding.

{¶15} Doyle first argues that the trial court provided him with misleading information regarding his ability to withdraw his plea, which prevented his guilty plea from being knowing and intelligent. Specifically, Doyle cites the following discussion during the court’s colloquy:

The Court: All right. Do you understand that while you and your attorney have presented to this court a recommendation for sentencing, this court doesn’t have to follow it?

Mr. Doyle: Yeah. If the court doesn’t follow it, I’d like to withdraw my plea. That would only be fair, wouldn’t it?

. . .

The Court: You can always, if you believe that you have been misled about your plea, you can withdraw your plea. That doesn't mean without valid cause that this court is required to allow you to withdraw your plea.

{¶16} Doyle claims that his “willingness to plead guilty was based on the belief that he would be sentenced to a term of probation and the misconception that he could withdraw his plea if the trial court did not follow the sentence recommendation.” Doyle claims that the court’s “advisement” regarding his ability to withdraw his plea was not consistent with Crim.R. 32. Specifically, Doyle alleges “Crim.R. 32 provides that a guilty plea may not be withdrawn *after* sentencing.” (Emphasis original). Doyle claims that he would not have pled guilty but for the court’s assurance that he could withdraw his plea had the court not followed the recommended sentence. Therefore, because of the court’s erroneous advisement, he did not subjectively understand the implications of his guilty plea. Accordingly, his plea was not knowing, intelligent, or voluntary.

{¶17} Doyle next argues that there are “multiple indicators” in the following passage from the change of plea colloquy hearing that show he did not understand the proceedings:

The Court: And how far did you get in school?

Mr. Doyle: Probably sixth grade before you all threw me in prison.

. . .

The Court: Are you able to read and write the English language?

Mr. Doyle: Pretty much.

The Court: Okay. Have you been able to understand any documents presented to you with the assistance of your attorney?

Mr. Doyle: I am pleading guilty on the advice of my attorney.

. . .

The Court: Is there any form [your attorney] went over with you that you felt like because you had a limited ability to read that you were unable to understand?

Mr. Doyle: *This charge.*

. . .

The Court: Did you have an opportunity to go over those plea forms with your attorney?

Mr. Doyle: Yes, but there is one question, your Honor.

The Court: Okay.

Mr. Doyle: *I'm pleading to community control, right?*

The Court: No. You're pleading to two offenses of permitting drug abuse. You're - -

Mr. Doyle: Okay.

. . .

The Court: Did your attorney answer any questions you had about those plea forms?

Mr. Doyle: Yes, I guess.

. . .

The Court: Mr. Doyle, have you had an opportunity to consult with your attorney about these cases, to ask him questions about these cases?

Mr. Doyle: Once, yes.

. . .

The Court: Do you understand that while you and your attorney have presented to this court a recommendation for sentencing, this Court doesn't have to follow it.

Mr. Doyle: Yes. If the court doesn't follow it, I'd like to withdraw my plea. That would only be fair, wouldn't it?

(Emphasis added.)

{¶18} Doyle claims that individually the highlighted statements may not indicate that his pleas were not unknowing or unintelligent, but under the totality of the circumstances, these comments portray a person entering a plea based on his attorney's advice rather than a full understanding of the charges.

{¶19} The State disagrees. It maintains that Doyle's guilty pleas were knowing, intelligent, and voluntary.

{¶20} Regarding Doyle's claim that the court misled him pertaining to Crim.R. 32, the State asserts that the court did not inform Doyle that there is an absolute right for him to withdraw his plea as Doyle claims. Rather, the court informed Doyle that if he thought he was misled he could withdraw his plea but "that doesn't mean without valid cause that the court is required to allow you to withdraw your plea." Further, contrary to Doyle's assertion a motion to withdraw a plea can be filed post-sentencing but will only be granted to correct a manifest injustice.

{¶21} Regarding Doyle's claim that he was confused about the proceedings, charges, and his rights, the State claims that the trial court ensured

that he understood his decision to plead guilty. The court confirmed that Doyle could read and write so that would not impede his understanding of the plea. The court also instructed Doyle on the definition of both offenses to which he pled guilty. The court also reviewed the constitutional and non-constitutional rights that he was giving up by pleading guilty.

{¶22} At the conclusion of the plea hearing, the State notes that the court also reiterated the terms of the plea agreement that included weekly reporting and drug testing. The court also warned Doyle not to get into trouble, test positive for drugs, or fail to show up for sentencing. Yet, Doyle tested positive for cocaine prior to his sentencing.

{¶23} Thus, the State argues that Doyle's plea was knowing, intelligent, and voluntary.

A. Law

1. Standard of Review

{¶24} “ ‘ “When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily. Failure on any of those points renders enforcement of the plea unconstitutional under both the United States Constitution and the Ohio Constitution.” ’ ” *State v. Betts*, 2017-Ohio-8595, ¶ 16 (4th Dist.), quoting *State v. Veney*, 2008-Ohio-5200, ¶ 7, quoting *State v. Engle*, 74 Ohio St.3d 525, 527 (1996). We determine whether a guilty plea is knowing, intelligent, and voluntary by applying “ ‘ “a de novo standard of review of the record to ensure that the trial court complied with the constitutional and procedural safeguards.” ’ ” *Id.*, quoting *State v. Leonhart*, 2014-Ohio-5601, ¶

36 (4th Dist.), quoting *State v. Moore*, 2014-Ohio-3024, ¶ 13 (4th Dist.). “[A]n appellate court conducts a de novo review, without deference to the trial court’s determination.” *State v. Blanton*, 2018-Ohio-1278, ¶ 50 (4th Dist.).

2. Crim.R. 11

{¶25} “Crim.R. 11(C)(2) governs the acceptance of guilty pleas by the trial court in felony cases and provides that a trial court should not accept a guilty plea without first addressing the defendant personally[.]” *State v. Tolle*, 2022-Ohio-2839, ¶ 8 (4th Dist.), citing *State v. Moore*, 2006-Ohio-114, ¶ 22 (4th Dist.), citing *McCarthy v. United States*, 394 U.S. 459, 466 (1969). The underlying purpose of Crim.R. 11 is to convey certain information to a defendant so that they can make a voluntary and intelligent decision regarding whether to plead guilty. *State v. Ballard*, 66 Ohio St.2d 473, 479-480 (1981).

a. Non-Constitutional Rights

{¶26} For purposes of a plea bargain, Crim.R. 11(C)(2)(a) and 11(C)(2)(b) require a court to inform a defendant of their non-constitutional rights and ensure they are understood. *State v. Jordan*, 2015-Ohio-4354, ¶ 5. Crim.R. 11(C)(2)(a) requires a trial court to ensure a defendant is “understanding of the nature of the charges and of the maximum penalty involved, and, if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing.” Crim.R. 11(C)(2)(b) requires a trial court to ensure that a defendant “understands the effect of the plea of guilty or no contest, and that the court, upon acceptance of the plea, may proceed with judgment and sentence.”

{¶27} “Substantial compliance with Crim.R. 11(C)(2)(a) and (b) is sufficient for a valid plea because they do not involve constitutional rights.” *State v. Collins*, 2019-Ohio-3428, ¶ 7 (4th Dist.), citing *Veney*, 2008-Ohio-5200, at ¶ 14. “ ‘Substantial compliance means that, under the totality of the circumstances, appellant subjectively understood the implications of his plea and the rights he waived.’ ” *State v. McDaniel*, 2010-Ohio-5215, ¶ 13 (4th Dist.), quoting *State v. Vinson*, 2009-Ohio-3240, ¶ 6 (10th Dist.).

{¶28} “A defendant who seeks to invalidate a plea on the basis that the trial court partially, but not fully, informed the defendant of his or her non-constitutional rights must demonstrate a prejudicial effect.” *Tolle*, 2022-Ohio-2839, at ¶ 16 (4th Dist.), citing *Veney*, at ¶ 17; *State v. Clark*, 2008-Ohio-3748, ¶ 39. “To demonstrate that a defendant suffered prejudice due to the failure to fully inform the defendant of his or her non-constitutional rights, the defendant must establish that, but for the trial court’s failure, a guilty plea would not have been entered.” *Id.*, citing *Clark* at ¶ 32, citing *State v. Nero*, 56 Ohio St.3d 106, 108 (1990). “However, when a trial court completely fails to inform a defendant of his or her non-constitutional rights, the plea must be vacated, and no analysis of prejudice is required.” *Id.*, citing *Clark* at ¶ 32, citing *State v. Sarkozy*, 2008-Ohio-509, ¶ 22.

b. Constitutional Rights

{¶29} Crim.R. 11(C)(2)(c) sets out a defendant’s constitutional rights. *State v. Miller*, 2020-Ohio-1420, ¶ 13. Pursuant to Crim.R. 11(C)(2)(c), a court must both inform and determine that the defendant understands that [by pleading no contest or guilty] he “is waiving the rights to jury trial,

to confront witnesses against him or her, to have compulsory process for obtaining witnesses in the defendant's favor, and to require the state to prove the defendant's guilt beyond a reasonable doubt at a trial at which the defendant cannot be compelled to testify against himself or herself.”

Collins at ¶ 6.

{¶30} Unlike a defendant’s non-constitutional rights, “strict compliance with Crim.R. 11(C)(2)(c) is required because constitutional rights are involved.”

Collins at ¶ 7. “If the trial court fails to explain the constitutional rights that a defendant waives by pleading guilty or no contest, it is presumed that the plea was entered involuntarily and unknowingly, and no showing of prejudice is required.” *State v. Pierce*, 2024-Ohio-82, ¶ 11 (4th Dist.), citing *State v. Dangler* 2020-Ohio-2765, ¶ 14. Otherwise, “the defendant is not entitled to have the plea vacated without demonstrating prejudice.” *Id.* at ¶13.

c. Other Advisements

{¶31} The Supreme Court has held that “[i]f a trial judge chooses to offer an expanded explanation of the law in a Crim.R. 11 plea colloquy, the information conveyed must be accurate.” *Clark*, 2008-Ohio-3748, at ¶ 39. “Thus, ‘when a defendant’s guilty plea is induced by erroneous representations as to the applicable law, * * * the plea has not been entered knowingly and intelligently.’ ” *State v. Smith*, 2023-Ohio-3879, ¶ 16 (8th Dist.), quoting *State v. Loyd*, 2011-Ohio-2964, ¶ 18 (6th Dist.).

{¶32} Similar to the analysis used for evaluating whether a court has properly informed a defendant of their rights under Crim.R. 11, “ ‘[i]n order to establish the necessary inducement to vacate a guilty plea, the defendant must

make a two-part showing. First, the defendant must show that he or she was misinformed as to the applicable law.’ ” *Id.* at ¶ 16, quoting *Lloyd* at ¶ 19. “ ‘Second, the defendant must demonstrate that he or she was prejudiced by the misinformation.’ ” *Id.*, quoting *Lloyd* at ¶ 20. Relying on a “possible” outcome is mere speculation, which is insufficient to support a finding of prejudice. See *State v. Sowell*, 2016-Ohio-8025, ¶ 142.

d. Crim.R. 32.1

{¶33} Crim.R. 32.1 sets forth two standards to determine whether a motion to withdraw a plea should be granted, both of which depend on when the motion is filed. The first is that “ ‘a presentence motion to withdraw a guilty plea should be freely and liberally granted.’ ” *State v. Sillman*, 2024-Ohio-3363, ¶ 43 (4th Dist.), quoting *State v. Xie*, 62 Ohio St.3d 521, 527 (1992). The second is that “a trial court may grant a post-sentence motion to withdraw a guilty plea only to correct a manifest injustice.” *State v. Vincent*, 2003-Ohio-3998, ¶ 9 (4th Dist.), citing *State v. Smith*, 49 Ohio St.2d 261 (1977). “The Ohio Supreme Court has defined manifest injustice as a clear or openly unjust act.” *Id.*, citing *State ex rel. Schneider v. Kreiner*, 83 Ohio St.3d 203, 208 (1998).

B. Analysis

1. The Court’s Advisement Regarding Crim.R. 32.1

{¶34} Doyle first claims that his willingness to plead guilty was based on his belief that he would be sentenced to a term of community control that did not include an inpatient drug program, and on a misconception that he could withdraw his plea if the trial court rejected the recommended sentence. Thus,

Doyle argues he would not have pled guilty if he knew that the court's rejection of the recommended sentence did not permit him to withdraw his plea as a matter of right.

{¶35} Doyle claims that a motion to withdraw can only be filed prior to sentencing, which is an incorrect statement of the law. A motion to withdraw a plea can be filed after a sentence is imposed “to correct a manifest injustice.” Crim.R. 32.1. Consistent with this standard, the court stated “[y]ou can always, if you believe that you have been misled about your plea, you can withdraw your plea. That doesn’t mean without *valid cause* that this court *is required* to allow you to withdraw your plea.” (Emphasis added.). In other words, the court advised Doyle that while he could file a motion to withdraw his plea after sentencing, it would not be freely given. Rather, he would have to establish “valid cause” before the motion could be granted. Therefore, we find that Doyle cannot show that the trial court misinformed him that if the court rejected the recommended sentence, he could withdraw his plea as a matter of right. *Clark*, 119 Ohio St.3d 239, ¶ 16.

{¶36} Even assuming for the sake of argument that the court misinformed Doyle regarding his ability to withdraw his plea, we find that he cannot show prejudice. At Doyle’s change of plea hearing, the court told him that as long as he did not get into trouble before sentencing (e.g., abuse drugs), the court would likely impose the recommended sentence. Doyle pleaded guilty. Weeks later, at his sentencing hearing, the court revealed that Doyle used cocaine while awaiting his sentencing hearing. Therefore, the court rejected the recommended

sentence. However, Doyle did not move the court, or otherwise file a Crim.R. 32.1 motion to withdraw his plea. Thus, even if we determined that the court misinformed Doyle, it is mere speculation as to whether the trial court would have denied his motion thereby causing him harm, and speculation is insufficient to show prejudice. Consequently, we reject Doyle's first argument in support of his assignment of error.

2. Doyle's Plea was Knowing and Intelligent

{¶37} Doyle also argues that his pleas were not knowing and intelligent essentially because of his responses to two of the court's questions during the colloquy. His responses, he claims, indicate he was someone "who was entering a guilty plea based on the advice of his attorney rather than because he fully understood the nature of the charges, his rights, and his willingness to waive those rights." We disagree.

{¶38} The court conducted an extensive, personal colloquy with Doyle at his change of plea hearing, who was represented by counsel. The hearing started with Doyle's counsel reading the plea agreement aloud, reciting the terms including that Doyle was pleading guilty in both cases for a recommended sentence of community control.

{¶39} After confirming that Doyle could read and write, the court asked him if there was any "form" his attorney had reviewed with him that he did not understand. Doyle responded: "This charge." In response to Doyle's answer, the court said: "I'm just simply trying to make sure that you don't have any

reading impediment that has affected your ability to understand what's going on in your case.” Doyle responded: “No, I understand.”

{¶40} The court then asked a series of questions to confirm that Doyle was not under the influence of any substance or had any condition that could compromise his ability to decide his plea. Doyle answered each question in the negative. The court asked Doyle if he was “clear headed and able to make important decisions today[.]” Doyle said that he was.

{¶41} The court next explored whether Doyle had been coerced, or otherwise accepted something improper, to enter this plea. Doyle responded by indicated that he had not been promised anything, and was not coerced into accepting the plea. Then the following exchange occurred:

The Court: So, you're doing this just based on the plea recommendation, correct?

Mr. Doyle: At the advice of my attorney, yes.

The Court: Clearly. Okay. All right. Your attorney read into the record the terms of the plea agreement that you reached with the State. Did you hear what [your counsel] said at the beginning of the hearing?

Mr. Doyle: Yes, your honor.

The Court: Is that the same information that you discussed with your attorney before today's hearing began?

Mr. Doyle: Yes, your honor.

The Court: All right. Anything different or missing from your understanding of that plea agreement?

Mr. Doyle: No, your honor.

{¶42} The court then indicated that it had in its possession the written plea forms from each of the two cases that were signed for Doyle by his attorney. The following exchange then occurred:

The Court: Did you have an opportunity to go over those plea forms with your attorney?

Mr. Doyle: Yes, but there is one question, your Honor.

The Court: Okay.

Mr. Doyle: I'm pleading guilty to community control, right?

The Court: No. your pleading guilty to two offenses of permitting drug abuse. You're - -

Mr. Doyle: Okay

The Court: - - doing that for the State's agreement to recommend community control for both cases.

Mr. Doyle: Right, but how long is the community control for?

The Court: Well that's part of what I'm going to instruct you on. I can put you on community control for up to five years.

Mr. Doyle: All right.

{¶43} The court then returned to its question about whether Doyle and his attorney reviewed the plea forms.

The Court: Again, as to my question, did your attorney go over those plea forms with you?

Mr. Doyle: Yes.

The Court: Did your attorney answer any questions you had about those plea forms?

Mr. Doyle: Yes, I guess.

The Court: Okay. Do you believe you understood what the plea form said?

Mr. Doyle: Yeah.

The Court: All right. And did you authorize your attorney to sign those plea forms for you?

Mr. Doyle: Yes, I did.

The Court: All right. Do you understand that by authorizing your attorney to sign those plea forms, that means you're making a complete admission of your guilt to the charge contained in the indictment and the new charge contained in the bill of information?

Mr. Doyle: Yes, on the advice of my attorney.

The Court: All right. So you understand what that means, that means that you're admitting guilty, correct?

Mr. Doyle: Yeah.

{¶44} The court then told Doyle that although the parties had recommended a sentence, the court was not obligated to follow the recommendation. Knowing that, the court asked if he still wanted to plea guilty and Doyle said that he did. The court informed Doyle that its “general practice” was to impose a recommended sentence as long as he does not “mess the situation up[.]” The court informed Doyle that if he was released “on an O.R. bond and you go out and pick up new charges, or you fail to appear for your sentencing or if you show up high when you're reporting, I'm not going to be bound by what the state recommends.” Doyle said that he understood. The court asked Doyle, “knowing that the court is not obligated to follow the plea recommendation, do you still wish to proceed with your plea today?” Doyle said: “Yes.”

{¶45} The court asked Doyle if he had consulted with his attorney about each case, and, further, if his counsel answered any questions he may have had, and Doyle replied “Yes.” Doyle also stated that he was satisfied with his counsel’s representation in this case.

{¶46} The court then read the indictment in Case No. 23CR162 alleging that Doyle had knowingly permitted another person to use his property to commit a felony drug offense. The court also read the bill of information in Case No. 23CR251, which made the same allegations. The court asked Doyle if he understood the charges in the indictment and the bill of information. Doyle responded affirmatively to both questions.

{¶47} The court then explained the potential maximum sentence the court could impose: (1) 6 to 12 months of prison and (2) a \$2,500 fine. Doyle confirmed that he understood the possible maximum penalties. The court also explained if he served a prison term and was released he would be subject to post-release control, as well as the possibility of a new prison term should he violate the conditions of post-release control. Again, Doyle stated that he understood. Doyle did ask the court if the most he could serve was two years of prison, which the court confirmed.

{¶48} The court then reviewed each of the constitutional rights that Doyle would be waiving if he pleaded guilty, i.e., the right to trial, the right to counsel, the right to confront and cross-examine witnesses, the right to compel the attendance of witnesses at trial, the right to remain silent, etc. After the court read Doyle his constitutional rights, it asked if he understood each of them, to

which, he responded “yes.” The court confirmed that Doyle understood his constitutional rights and then asked him if he was willing to waive those rights to plead guilty. Again, Doyle said “yes.”

{¶49} Finally, the court asked Doyle if he had any questions before it accepted his guilty pleas. He said he did not. The court asked “are you certain this is what you want to do?” Doyle said: “On the advice of my attorney, yes.” The court then accepted Doyle’s guilty pleas and set the case for sentencing.

{¶50} Thus, we find that the trial court conducted a comprehensive colloquy that addressed Doyle’s non-constitutional rights and constitutional rights. Further, the fact that Doyle understood the plea proceedings is bolstered by the fact that he is no neophyte to the law. Doyle has a criminal history that includes several felony convictions, including an understanding of the process of pleading guilty to a criminal offense. *See State v. Doyle*, 1996 WL 557804 (4th Dist. Sept. 25, 1996).

{¶51} Despite the comprehensive colloquy and Doyle’s experience with the law, and plea bargain in particular, Doyle points to two of his responses to the court’s questioning, which he asserts, when considered under the totality of the circumstances, indicate that he did not understand the charges to which he was pleading.

{¶52} The first response was to the court asking Doyle if there was any “form” his attorney had reviewed with him that he did not understand. Doyle responded: “This charge.” In response to Doyle’s answer, the court said: “I’m just simply trying to make sure that you don’t have any reading impediment that

has affected your ability to understand what's going on in your case.” Doyle responded: “No, I understand.”

{¶53} Doyle claims that it is unclear whether he was stating that he understood why the court asked whether he could read and write, or whether he understood the charges. When considered in context to Doyle's other responses during the colloquy, we find that Doyle's response here was expressing that his level of reading and writing had not hampered his ability to understand the forms that he has reviewed. At numerous other times during the colloquy, the court asked Doyle if he understood the charges levied against him and he said he did.

{¶54} The second response was to the court asking him if he had an opportunity to review the plea forms with his attorney. Doyle said yes, but he had one question: “I'm pleading guilty to community control, right?” Doyle claims this response shows that he is confused with what he is being charged with.

{¶55} To understand Doyle's question, it must be viewed in context with the court's subsequent explanation and his follow up question. In response to Doyle's question, the court explained to Doyle that he was “pleading guilty to two offenses of permitting drug abuse. You're ... doing that for the State's agreement to recommend community control for both cases.” Doyle followed up asking: “Right, but how long is the community control for?” The Court informed Doyle that it could impose up to five years of community control.

{¶56} In this context, we find Doyle's question asking whether he was pleading guilty to community control was not an indication that he did not

understand the charges in this case. Rather, we find the question was merely an inartful way of asking if community control was the sentence he would receive for pleading guilty.

{¶57} Consequently, we reject Doyle's second argument in support of his assignment of error.

{¶58} Therefore, contrary to Doyle's argument, we find that under the totality of the circumstances, Doyle's guilty pleas were knowing, intelligent and voluntary. Accordingly, we overrule his sole assignment of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the ROSS COUNTY COURT OF COMMON PLEAS to carry this judgment into execution.

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

Smith, P.J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: _____
Kristy S. Wilkin, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.