**CAPTION:** **STATE V. SCHUSTER**

**08-30-23**

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| APPEAL NOS. | C-220525C-220526C-220649 |
| TRIAL NOS. | 20TRC-19624 A,B,C21TRC-2913 A,B,C |

KEY WORDS: TRAF.R. 10(B) – TRAF.R. 10(D) – NO-CONTEST PLEA – R.C. 2937.07 – EXPLANATION OF CIRCUMSTANCES

SUMMARY:

The trial court’s failure to inform defendant that his no-contest pleas were admissions to the facts alleged in the complaint, not admissions of guilt, and cannot be used against defendant in subsequent civil or criminal proceedings as identified in Traf.R. 10(B), constituted a complete failure to comply with the requirements of Traf.R. 10(D), and his no-contest pleas must be reversed.

The state’s explanation of circumstances following defendant’s no-contest plea failed to establish that defendant had an OVI conviction in the 20 years prior to his refusal of a chemical test, thus omitting an essential element of the crime of refusing a chemical test in violation of R.C. 4511.19(A)(2).

JUDGMENT: REVERSED AND CAUSE REMANDED IN C-220526 AND C-220649; REVERSED AND APPELLANT DISCHARGED IN C-220525

JUDGES: OPINION by BOCK, J.; ZAYAS, P.J., and WINKLER, J., CONCUR.