

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-240341
Plaintiff-Appellee,	:	TRIAL NO. 24/CRB/3241
vs.	:	
ROGER HILDEBRAND,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

2014 Lifetime Ban

In 2014, Hildebrand pleaded no-contest and was found guilty of gross sexual imposition.<sup>1</sup> Hildebrand was sentenced to 25 days in jail and fined \$500. In its entry, the trial court also ordered that Hildebrand was banned for life from boarding any Metro bus.

Hildebrand Pleads No-Contest to Trespassing

In the subject of this appeal, the case numbered 24/CRB/3241, Hildebrand pleaded no contest to a charge of trespass. The prosecutor read the allegations supporting the charge for the record:

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<sup>1</sup> Case numbered 14/CRB/23467.

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On February 3rd, 2024, Cincinnati, Hamilton County, Ohio, without privilege to do so, the Defendant did knowingly enter the premises of Queen City Metro located at 1600 Walnut Street. He violated a stay-away order by entering a Metro bus. He had been given actual notice not to be on Metro buses. . .

The prosecutor also explained that Hildebrand had been ordered to stay off all Metro buses for life as part of his sentence in the 2014 sexual-imposition conviction.

Prior to accepting his plea, the trial court explained to Hildebrand what a no-contest plea entailed, including that it meant that he would be accepting the alleged facts as true. Hildebrand did not object to the facts presented to the court, and he conceded that he had notice of the lifetime ban.

The Instant Appeal

In his sole assignment of error, Hildebrand argues that his conviction for trespass was based on insufficient evidence because the entry from his 2014 sexual-imposition conviction was not included in the record. In addition, Hildebrand argues that the lifetime ban imposed in 2014 was contrary to law because it exceeded the statutory time limit for community-control sanctions under R.C. 2929.25(A)(2), but, more importantly, because community control was not imposed in the case numbered 14/CRB/23467.

Hildebrand failed to raise below the issue of the insufficiency of the explanation of the circumstances to which he had pleaded. Therefore, on appeal, he must demonstrate plain error. *State v. Hinds*, 2024-Ohio-6042, ¶ 9 (1st Dist.). To establish plain error, a defendant must show that the error affected the outcome of the proceedings and reversal is necessary to correct a manifest miscarriage of justice. *Id.*

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R.C. 2937.07 provides that a no-contest plea to a misdemeanor offense “shall constitute an admission of the truth of the facts alleged in the complaint and that the judge or magistrate may make a finding of guilty or not guilty from the explanation of the circumstances of the offense.” For a court to find a defendant guilty, the explanation of circumstances must contain sufficient information to support all the elements of the offense. *State v. Johnson*, 2024-Ohio-5377, ¶ 18 (1st Dist.). Therefore, the explanation of circumstances provides the evidentiary basis for the court’s finding of guilt following a no-contest plea. *State v. Bechtel*, 2020-Ohio-4889, ¶ 53 (11th Dist.). A no-contest plea, however, allows for a challenge to the sufficiency of the facts pleaded to. *Hinds* at ¶ 8, citing *State v. Waddell*, 71 Ohio St.3d 630, 631 (1995).

Because a defendant who has entered a no-contest plea has accepted the explanation of circumstances, i.e., the facts, as true, the question is not whether the evidence supports the elements of the charge, but instead, whether those facts that have been accepted as true and which have been made part of the record are sufficient to prove all the elements of the charge. *Cuyahoga Falls v. Bowers*, 9 Ohio St.3d 148, 151 (1984).

The statute that Hildebrand was charged under, R.C. 2911.21(A)(1), provides, “No person, without privilege to do so, shall . . . [k]nowingly enter or remain on the land or premises of another.” By pleading no-contest, Hildebrand accepted as true the fact that he boarded a Metro bus while under the court-imposed lifetime ban and thus lacked privilege to be on the bus. Therefore, the trial court’s guilty finding was based on sufficient evidence, and the court did not commit plain error.

Hildebrand failed to object to the lifetime ban imposed at sentencing in the case numbered 14/CRB/23467 or appeal that condition of his sentence, nor did he move for postconviction relief. We, therefore, decline to address Hildebrand’s arguments

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challenging the validity of the lifetime ban imposed under the case numbered 14/CRB/23467 as it is not properly before this court.

Accordingly, Hildebrand's sole assignment of error is overruled, and the trial court's judgment is affirmed.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**ZAYAS P.J., MOORE, and NESTOR, JJ.**

**To the clerk:**

**Enter upon the journal of the court on 4/11/2025 per order of the court.**

**By:** \_\_\_\_\_  
**Administrative Judge**