

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

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| STATE OF OHIO, | : | APPEAL NO. | C-250395 |
| | : | TRIAL NO. | B-2405604 |
| Plaintiff-Appellee, | : | | |
| vs. | : | | |
| | : | | <i>JUDGMENT ENTRY</i> |
| ADRIAN ARMSTEAD, | : | | |
| Defendant-Appellant. | : | | |

NESTOR, Judge.

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.

Adrian Armstead pleaded guilty to menacing by stalking. Armstead now appeals asserting that the trial court did not advise him of his rights to confront witnesses and to subpoena witnesses, and that the State had the burden to prove his guilt for every element beyond a reasonable doubt. Because the trial court did advise Armstead of each of those rights, we affirm the judgment of the trial court.

Armstead was charged with menacing by stalking, which is a felony of the fourth degree. Armstead pleaded guilty on April 21, 2025. At the plea hearing, the trial court went through the standard Crim.R. 11 plea colloquy.

The trial court specifically advised Armstead of his constitutional rights. The court stated he was waiving the right to a speedy trial, an attorney, and a jury trial. The trial court next said that if this matter went to trial, the State had to prove beyond

OHIO FIRST DISTRICT COURT OF APPEALS

a reasonable doubt that Armstead was guilty of every element of the crime he was charged with. The court additionally stated that his “attorney could question any witness who came up to this witness stand and testified[,]” and that his attorney could subpoena witnesses to court for Armstead. The court informed him that he did not “have to come up and take the witness stand and testify. You don’t have to say or do anything, and no one could hold that against you.” Armstead responded to every part of the colloquy that he understood and had no questions.

The court asked Armstead if he wished to give up his rights and enter a guilty plea. He said, “Yes.” He stated that he read the plea form, went over it with his attorney, and signed it of his own free will. The court acknowledged that it advised Armstead of all the necessary constitutional rights and that he “made a knowing, intelligent, and voluntary waiver of those rights.” The court accepted his guilty plea and sentenced him at a later date. He now appeals bringing one assignment of error.

Armstead argues only that “[t]he trial court failed to advise Mr. Armstead of his rights to confront witnesses, to have compulsory process, and to require the state to prove his guilt beyond a reasonable doubt.” “Crim.R. 11(C) governs the constitutional and nonconstitutional information that the trial court must review with a defendant before accepting a guilty plea.” *State v. Williams*, 2025-Ohio-2902, ¶ 12 (1st Dist.). “The purpose of Crim.R. 11(C) ‘is to convey to the defendant certain information so that he can make a voluntary and intelligent decision whether to plead guilty.’” *Id.*, quoting *State v. Ballard*, 66 Ohio St.2d 473, 479-480 (1981). “On appeal, we review the trial court’s compliance with Crim.R. 11(C) and ‘the voluntariness of a defendant’s guilty plea de novo.’” *Id.*, quoting *State v. Walker*, 2024-Ohio-6079, ¶ 20 (1st Dist.). “[T]he ultimate inquiry is whether the defendant’s plea was entered in a knowing,

intelligent, and voluntary manner.” *State v. Lucas*, 2025-Ohio-1645, ¶ 6 (1st Dist.), quoting *State v. Dailey*, 2024-Ohio-3166, ¶ 3 (1st Dist.).

Here, Armstead argues that he was not apprised of only constitutional rights. He did not make an argument for his nonconstitutional rights. “When a trial court fails to explain the constitutional rights that a defendant waives by pleading guilty or no contest, we presume that the plea was entered involuntarily and unknowingly, and no showing of prejudice is required.” *State v. Dangler*, 2020-Ohio-2765, ¶ 14. In this case, by following the standard plea colloquy in the Hamilton County Court of Common Pleas, the court apprised the defendant of his constitutional rights.

“[T]he ‘trial court is not required to recite the exact language contained in Crim.R. 11(C)(2).’” *Lucas* at ¶ 7, quoting *Dailey* at ¶ 5. “A deviation from the exact language suffices if it ‘[is] done in a manner reasonably intelligible to that defendant.’” *Id.*, quoting *Dailey* at ¶ 5, quoting *State v. Ballard*, 66 Ohio St.2d 473 (1981), paragraph two of the syllabus. “[I]t must be apparent from the record that the ‘defendant was meaningfully informed of the specific rights enumerated in [the rule].’” *Id.*, quoting *Dailey* at ¶ 5, quoting *Ballard* at 480. The trial court must first inform the defendant of the right that is being waived, and then also ensure the defendant understands that right. *Id.*, quoting *Dailey* at ¶ 5.

1. The Right to Confront Witnesses

Here, the trial court apprised Armstead of his right to confront witnesses and asked if he understood it. The court said, “do you understand that if this case went to trial, your attorney could question any witness who came up to this witness stand and testified?” Armstead replied, “Yes, ma’am.”

Armstead was apprised of his right and understood what he was waiving. Additionally, the trial judge discussed the plea form and ensured that Armstead had

gone over it with his attorney and understood what it said. He signed the plea form of his own free will.

2. The Right to Have Compulsory Process

Here, the trial court apprised Armstead of his right to have compulsory process and asked if he understood it. The court asked, “Do you understand that if this case went to trial, your attorney could make witnesses come to you – subpoena them to court for you? Do you understand that?” Armstead replied, “Yes, ma’am.”

Armstead was apprised of his right and understood what he was waving. Though the judge did not explicitly say compulsory process, “[a] deviation from the exact language suffices if it [is] done in a manner reasonably intelligible to that defendant.” *Lucas*, 2025-Ohio-1645, at ¶ 7 (1st Dist.), quoting *Dailey*, 2024-Ohio-3166, at ¶ 5 (1st Dist.), quoting *Ballard*, 66 Ohio St.2d at paragraph two of the syllabus.

3. State’s Burden

The trial court apprised Armstead of the State’s burden of proof and asked if he understood it. The court said, “Do you understand if this case went to trial, the prosecutor would have to prove you guilty beyond a reasonable doubt of each and every element of the crime that you’re charged with before you could be found guilty?” Armstead replied, “Yes, ma’am.”

Armstead was apprised of his right and understood what he was waiving. Armstead was apprised of these three rights, and the others listed in Crim.R. 11. We therefore, overrule his assignment of error and affirm the trial court’s judgment.

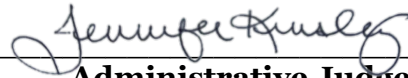
The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

CROUSE, P.J., and **MOORE, J.**, concur.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on 4/8/2026 per order of the court.

By:  _____
Administrative Judge