IN THE COURT OF APPEALS

FIRST APPELLATE DISTRICT OF OHIO

HAMILTON COUNTY

STATE OF OHIO,	:	
		CASE NO. C-260008
Appellee,	:	
		OPINION AND
vs.	:	JUDGMENT ENTRY
		10/28/26
RONALD MCCRARY,	:	
Appellant.	:	

CRIMINAL APPEAL FROM HAMILTON COUNTY COURT OF COMMON PLEAS
Case No. B-2503644

Connie Pillich, Hamilton County Prosecuting Attorney, and Scott Heenan, Assistant Prosecuting Attorney, for appellee.

Roger W. Kirk, for appellant.

O P I N I O N

SIEBERT, J.

{¶ 1} Ronald McCrary challenges his conviction for retaliating against a municipal court judge in violation of R.C. 2921.05(A), raising two assignments of error. First, McCrary argues that the trial court erred by at first refusing to accept his guilty plea based on his inability to remember the factual basis of the offense and then by "summarily

reversing course making a guilty finding at the end of the arduous plea hearing without explanation." As part of this assigned error, McCrary asserts the trial court failed to conduct a heightened inquiry into his guilty plea under *Alford v. North Carolina,* 400 U.S. 25 (1970), which rendered his guilty plea unknowing and involuntary. Second, he contends that the trial court abused its discretion when it denied his post-sentencing request to withdraw his plea.

{¶ 2} We overrule both assignments of error. First, the record demonstrates that the trial court carefully considered whether McCrary entered a knowing, intelligent, and voluntary plea and only accepted his plea after this careful consideration. While McCrary was unable to recall making threats about the municipal court judge, a heightened inquiry into the circumstances surrounding McCrary's plea was unnecessary because McCrary did not contemporaneously assert his innocence when he repeatedly expressed a desire to enter a guilty plea. Second, the trial court did not abuse its discretion when it denied McCrary's request to withdraw his guilty plea because the request was equivocal and unsupported by specific facts demonstrating a manifest injustice.

{¶ 3} We affirm the trial court's judgment.

Background

{¶ 4} In July 2025, McCrary was charged with intimidation under R.C. 2921.03(A) and retaliation under R.C. 2921.05(A), both third-degree felonies. According to the bill of particulars, McCrary described plans to harm the municipal court judge that found McCrary guilty of assault and sentenced him to jail time.

{¶ 5} Weeks later, McCrary and the State reached a plea agreement. McCrary agreed to plead guilty to retaliation in exchange for the State's dismissal of the intimidation charge. The written plea form signed by McCrary states that McCrary understood "the nature of the charges" and that his guilty plea was "a complete admission of my guilt of

the charge(s)."

{¶ 6} At McCrary's September 2025 plea hearing, the trial court confirmed McCrary's understanding of the effects of his guilty plea. Relevant here, the trial court asked if McCrary was "pleading guilty because you are guilty?" McCrary first answered, "No," before correcting himself and agreeing, "Yeah, yeah, I'm guilty." McCrary confirmed that he discussed the allegations with defense counsel, that his plea was consistent with those allegations, and that he wanted to enter a guilty plea. Later, McCrary formally pleaded guilty to retaliation.

{¶ 7} After the State described the factual basis for the retaliation charge, McCrary expressed his disagreement with the State's account. He explained that he has "a split-person disorder," is constantly "forgetting things," and could not "remember even saying those things at all." In turn, the trial court refused to accept McCrary's plea and discussed setting a trial date. But McCrary insisted that, despite his memory lapse, "I did not say I didn't want to take a plea." McCrary urged the trial court to accept his guilty plea and proceed with sentencing and explained that jail conditions were motivating his decision to plead guilty. When the trial court considered a psychiatric evaluation, McCrary refused "to accept that" and urged the trial court to "move forward" seeing that he had "already signed the plea deal."

{¶ 8} The trial court asked for defense counsel's opinion. Defense counsel assured the trial court that he reviewed the charges and possible sentences with McCrary "a couple times," that McCrary "made it clear that his goal is to get this resolved," and that counsel viewed McCrary's decision as "rational." Following counsel's assurances, the trial court accepted McCrary's plea, found him guilty, and ordered a sentencing investigation.

{¶ 9} In October 2025, McCrary requested a continuance and a mental-health evaluation. The trial court ordered a psychiatric evaluation.

{¶ 10} McCrary's case was transferred to a new judge, who presided over McCrary's December 2025 sentencing hearing. At that hearing, McCrary addressed the trial court and explained that the threats were made when McCrary was unmedicated and "speaking out of emotion." While McCrary "[did not] even remember saying those things," he apologized, expressed regret, and insisted that he is "not a violent person." The victim and McCrary's sister also made statements at the sentencing hearing.

{¶ 11} The trial court imposed a 36-month sentence. Moments later, McCrary made an oral request to withdraw his guilty plea. The trial court denied McCrary's request. McCrary appeals his conviction and raises two assignments of error.

First Assignment of Error – McCrary's Guilty Plea

Law and Analysis

{¶ 12} First, McCrary contends the trial court erred by at first refusing to accept his guilty plea based on his inability to remember the factual basis of the offense and then by "summarily reversing course making a guilty finding at the end of the arduous plea hearing without explanation." As part of this first assigned error, McCrary argues that the trial court's failure to conduct a required heightened inquiry rendered his guilty plea unknowing and involuntary. *See Alford,* 400 U.S. at 37.

{¶ 13} McCrary's brief suggests that we review his plea for an abuse of discretion. But when determining "'whether a plea was entered knowingly, voluntarily, and intelligently, """an appellate court examines the totality of the circumstances through a de novo review of the record.'""""" *State v. Davis*, 2024-Ohio-2793, ¶ 15 (1st Dist.), quoting *State v. Mitchell*, 2023-Ohio-724, ¶ 11 (1st Dist.), quoting *State v. Illing*, 2022-Ohio-4266, ¶ 12 (1st Dist.), quoting *State v. Foster,* 2018-Ohio-4006, (1st Dist.) (Zayas, J., concurring in part and dissenting in part), quoting *State v. Tutt,* 2015-Ohio-5145, ¶ 13 (8th Dist.), quoting *State v. Spock*, 2014-Ohio-606, ¶ 7 (8th Dist.).

{¶ 14} A criminal defendant's guilty "'plea must be made knowingly, intelligently, and voluntarily; otherwise, the defendant's plea is invalid.'" *State v. Brinkman*, 2021-Ohio-2473, ¶ 10, quoting *State v. Bishop*, 2018-Ohio-5132, ¶ 10. Before accepting a guilty plea to a felony offense, "the trial court must determine whether the defendant knowingly, intelligently, and voluntarily entered the plea." *State v. Carver*, 2019-Ohio-3634, ¶ 20 (1st Dist.). "To ensure that pleas are constitutionally sound, Crim.R. 11(C) places certain requirements on a court before it can accept a guilty plea in felony cases." *State v. Fontanez*, 2026-Ohio-3281, ¶ 22.

{¶ 15} Relevant here, a trial court must "[i]nform[] the defendant of and determin[e] that the defendant understands the effect of the plea of guilty." Crim.R. 11(C)(2)(b). "The term 'guilty' is commonly used and understood to mean that someone has committed an offense or a crime." *Fontanez* at ¶ 39. Relying on that definition, the Supreme Court of Ohio has made clear that "a criminal defendant who decides to plead guilty is properly understood as confessing his or her culpability." *Id.* In other words, "[a] guilty plea is an admission to the operative facts that form the basis of the crime charged." *Id.* at ¶ 44. Moreover, a guilty plea "is also a consent to judgment without a trial or the rights that would accompany a trial." *Id.* at ¶ 40.

{¶ 16} The record does not support McCrary's contention that the trial court "summarily" reversed course "without explanation" when it found him guilty at his plea hearing. Rather, the record shows the trial court only accepted McCrary's plea after carefully considering whether McCrary knowingly, intelligently, and voluntarily entered his guilty plea and upon McCrary's insistence that the trial court accept it.

{¶ 17} At the outset of the plea hearing, McCrary confirmed he signed the plea agreement and stated, "Yeah, yeah, I'm guilty." After the State recited the facts underlying the retaliation charge, McCrary asserted he couldn't "remember even saying those things

at all." At that point, the trial court indicated it would not accept his plea. But then McCrary urged the trial court to accept the plea, stating, "I did not say I didn't want to take a plea" and explaining jail conditions were part of his motivation for entering the plea. Still, the trial court did not immediately accept McCrary's plea. The judge considered whether a psychiatric evaluation would be appropriate. McCrary refused to "accept" such an evaluation and flatly stated he wanted to "move forward" as he had already signed the plea deal. The trial court then asked McCrary's counsel to opine on the circumstances surrounding McCrary's plea. McCrary's counsel confirmed he had reviewed the plea agreement with McCrary and that McCrary was making a rational decision based upon his desire to resolve the charges against him.

{¶ 18} The trial court's actions during the plea hearing were anything but "summary." Instead, the trial court demonstrated the appropriate consideration of whether McCrary was entering a knowing, intelligent, and voluntary guilty plea. The trial court only accepted McCrary's guilty plea after McCrary initially admitted his guilt, his statements about not remembering the relevant facts, the trial court's expressed hesitancy to accept the plea, McCrary's continued articulation of his desire to plead guilty, the trial court's consideration of ordering a psychiatric evaluation, McCrary's refusal to accept that evaluation, his renewed insistence he wanted to plead guilty, and the trial court's consultation with McCrary's defense counsel.

{¶ 19} Just as the record does not support McCrary's arguments regarding the trial court "summarily reversing course," it also does not support his *Alford* plea assertions.

{¶ 20} On appeal, McCrary likens the circumstances surrounding his guilty plea to "[a]n '*Alford* plea,' in which a defendant pleads guilty but still maintains actual innocence of the charges." *Fontanez*, 2026-Ohio-3291, at ¶ 40, citing *State v. Griggs,* 2004-Ohio-

4415, ¶ 13. An *Alford* plea "is the exception to the norm that a guilty plea is a complete admission of guilt in addition to a waiver of the defendant's trial rights." *Id.* at ¶ 40.

{¶ 21} Determining whether a guilty plea entered under *Alford* is knowingly and voluntarily entered "differs significantly from the more usual guilty plea in which the defendant admits that he is guilty." *State v. Padgett*, 67 Ohio App.3d 332, 337-338 (2d Dist. 1990). For *Alford* pleas, the record must show that "defendant has made a rational calculation to plead guilty notwithstanding his belief that he is innocent" and requires a heightened inquiry by the trial court into the reasons why the defendant wants to enter a guilty plea. *Id.* at 338-339.

{¶ 22} But McCrary's memory lapses did not transform McCrary's guilty plea into an *Alford* plea. "The inability to remember the specifics of the crime charged is not a requirement for entering a valid guilty plea." *State v. Wyatt*, 2019-Ohio-1183, ¶ 9 (6th Dist.), citing *State v. Leonard*, 2006-Ohio-1943, ¶ 8 (8th Dist.). Indeed, there are many reasons that a person accused of a criminal offense may not "recall certain details of the crime, or even the crime itself." *Leonard* at ¶ 8. More to the point, a defendant must tender "a guilty plea contemporaneously with a 'protestation of innocence'" to trigger a heightened inquiry under *Alford. State v. Alvelo*, 2017-Ohio-742, ¶ 23 (8th Dist.), quoting *Alford*, 400 U.S. at 37-38; *see State v. Holloway,* 2018-Ohio-5393, ¶ 21 (7th Dist.); *see also State v. Turner*, 2026-Ohio-3560, ¶ 21 (6th Dist.). While McCrary was unable to recall making the threatening statements and disagreed with the State's factual account, McCrary repeatedly confirmed his desire to plead guilty without claiming innocence at the hearing. *See, e.g., State v. Parham*, 2012-Ohio-2833, ¶ 34-36 (11th Dist.). McCrary's statements did not trigger the heightened *Alford* inquiry into the circumstances surrounding McCrary's guilty plea.

{¶ 23} The totality of the circumstances reveal that McCrary knowingly, intelligently, and voluntarily entered his guilty plea, which was not an *Alford* plea. The record supports the trial court's decision to accept his plea and enter a finding of guilt.

{¶ 24} We overrule McCrary's first assignment of error.

Second Assignment of Error – McCrary's Motion to Withdraw his Guilty Plea

{¶ 25} McCrary argues that the trial court abused its discretion when it denied his post-sentencing request to withdraw his guilty plea. On appeal, he argues the trial court's acceptance of his guilty plea, despite McCrary having never admitted to the "facts alleged in the indictment and described" at the plea hearing, amounted to a manifest injustice.

{¶ 26} A trial court's decision to grant or deny a post-sentence "motion to withdraw a plea lies within the sound discretion of the trial court." *State v. Neal,* 2025-Ohio-2499, ¶ 18 (1st Dist.). We review the trial court's decision for an abuse of discretion. *State v. Smith,* 2019-Ohio-3642, ¶ 32 (1st Dist.).

{¶ 27} When the defendant moves to withdraw his guilty plea after sentencing under Crim.R. 32.1, he "bears the burden of demonstrating that withdrawing the plea was necessary 'to correct manifest injustice.'" *Id.* A defendant satisfies his burden of establishing "a manifest injustice with reference to specific facts in the record or via affidavit submitted with a Crim.R. 32.1 motion." *State v. Sabovich*, 2020-Ohio-908, ¶ 18 (8th Dist.).

{¶ 28} After the trial court announced McCrary's sentence, defense counsel explained to the trial court that he spoke with McCrary and "I guess I would ask that he be allowed to withdraw his plea. I'd ask for the record that he be allowed to withdraw his plea." The trial court denied McCrary's motion because, "from the Court having entered the sentences, just a change of heart" was an insufficient basis to justify a withdrawal of his guilty plea.

{¶ 29} The trial court did not err when it denied McCrary's motion. McCrary's request was equivocal and unsupported by specific facts proving a manifest injustice. The trial court reasonably concluded that the request was based on a change of heart once he received his prison sentence. "A change of heart is not a reasonable basis for a trial court to permit a defendant to withdraw his plea." *State v. Henderson*, 2007-Ohio-5128, ¶ 6 (1st Dist.). Therefore, the trial court did not abuse its discretion when it denied McCrary's post-sentencing request to withdraw his guilty plea.

{¶ 30} We overrule McCrary's second assignment of error.

{¶ 31} Judgment affirmed.

PIPER, P.J., and M. POWELL, J., concur.

Judges Robin N. Piper, Michael Powell, and Melena S. Siebert, of the Twelfth Appellate District sitting by assignment in the First Appellate District pursuant to Ohio Const., art. IV, § 5(A)(3).

JUDGMENT ENTRY

The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Hamilton County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Robin N. Piper, Presiding Judge

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge