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

STATE OF OHIO,	:	APPEAL NOS.	C-260031 C-260032
Plaintiff-Appellee,	:	TRIAL NOS.	B-2402053 B-2402294
vs.	:		
KEVIN ANDERSON,	:	*JUDGMENT ENTRY*	
Defendant-Appellant.	:		

This cause was heard upon the appeals, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgments of the trial court are affirmed.

Further, the court holds that there were reasonable grounds for these appeals, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 10/9/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hunsley
Administrative Judge

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Plaintiff-Appellee,	:	TRIAL NOS.	B-2402053 B-2402294
vs.	:		
KEVIN ANDERSON,	:	*O P I N I O N*	
Defendant-Appellant.	:		

Criminal Appeals From: Hamilton County Court of Common Pleas

Judgments Appealed From Are: Affirmed

Date of Judgment Entry on Appeal: October 9, 2026

Connie M. Pillich, Hamilton County Prosecuting Attorney, and *John D. Hill, Jr.*, Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Timothy J. McKenna, for Defendant-Appellant.

KINSLEY, Presiding Judge.

{¶1} Defendant-appellant Kevin Anderson pleaded guilty to four counts of breaking and entering and five counts of theft. He appeals, arguing that his pleas were unknowing and involuntary and that he received the ineffective assistance of counsel in the proceedings below. Unconvinced, we affirm the judgment of the trial court.

Background

{¶2} On May 9, 2024, in the case numbered B-2402053, the State indicted Anderson for three counts of breaking and entering in violation of R.C. 2911.13(A), two counts of breaking and entering in violation of R.C. 2911.13(B), three counts of theft in violation of R.C. 2913.02(A)(1), and one count of theft from an elderly or disabled person in violation of R.C. 2913.02(A). All nine counts were felonies of the fifth degree. On May 21, 2024, in the case numbered B-2402294, the State indicted Anderson for one count of breaking and entering in violation of R.C. 2911.13(A) and one count of theft in violation of R.C. 2913.02(A), also felonies of the fifth degree.

{¶3} Because he was indigent, the trial court appointed an attorney to represent Anderson. However, by September 18, 2024, Anderson's first attorney withdrew for "irreconcilable differences," and the trial court appointed new counsel.

{¶4} Six months later, Anderson moved to remove his second attorney. The trial court heard the motion on April 8, 2025. During the hearing, Anderson lodged a number of complaints about his representation. Among them were his suggestion that he had not received discovery materials from defense counsel and his impression that he would not see "eye to eye" with his attorney about his defense. Responding to Anderson's concerns, defense counsel relayed that he had discussed the evidence that the State had provided with Anderson many times.

{¶5} The parties also reported on the status of their plea negotiations. The

State had offered Anderson a plea bargain to plead guilty to nine of the 11 counts in exchange for an agreed four-year prison sentence, although he had not agreed to accept it. In discussing the status of the plea offer, defense counsel told the trial court that Anderson was likely to take his case to a jury because "a jury can easily decide that some of these [charges] are misdemeanors." He did not further explain the basis for this comment.

{¶6} Following the hearing, the trial court denied Anderson's request to appoint a new attorney but informed him that he could hire a new attorney on his own if he wished.

{¶7} Anderson accepted the State's plea offer the following day. The trial court conducted a Crim.R. 11 plea colloquy and accepted Anderson's guilty pleas to all but one of the breaking-and-entering counts in the case numbered B-2402053 and to the theft count in the case numbered B-2402294. In exchange, the State dismissed one breaking-and-entering count in each case. The trial court then imposed the agreed-upon four-year sentence.

{¶8} Anderson appeals.

Analysis

{¶9} Anderson raises two assignments of error on appeal. First, he argues that he made his guilty pleas unknowingly and involuntarily, because he felt systemic pressure by the way his cases were processed below. Second, Anderson argues that he received the ineffective assistance of counsel when defense counsel both failed to provide discovery materials to him and represented him in entering guilty pleas despite his observation that a jury could "easily" reduce some of the felony counts to misdemeanors.

A. Guilty Pleas

{¶10} In his first assignment of error, Anderson challenges whether his guilty pleas were entered unknowingly and involuntarily. More specifically, he asserts that he pleaded guilty without knowing the facts and evidence of his cases and was essentially pressured to plead after being denied new counsel.

{¶11} "A guilty plea is constitutionally valid only if it is entered knowingly, voluntarily, and intelligently." (Cleaned up.) *State v. Foster*, 2018-Ohio-4006, ¶ 13 (1st Dist.). "To determine 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." (Cleaned up.) *State v. Mitchell*, 2023-Ohio-724, ¶ 12 (1st Dist.). We presume a guilty plea is knowingly, intelligently, and voluntarily entered when the trial court complies with Crim.R. 11. *State v. Medlock*, 2024-Ohio-5208, ¶ 10 (8th Dist).

{¶12} Anderson does not assert that the trial court's plea colloquy did not comport with the requirements of Crim.R. 11. Therefore, we presume that his pleas were constitutionally valid. *Id.* In an attempt to overcome this presumption, Anderson asserts that he pleaded guilty only because the trial court refused to appoint new counsel and because he lacked the discovery materials needed to understand his cases for trial. But the decision to deny a motion for a change of counsel rests within the sound discretion of the trial court, and Anderson presents no argument that the trial court abused its discretion in refusing to appoint another attorney. *See State v. Smith*, 2017-Ohio-8558, ¶ 27 (1st Dist.). And Anderson's answers to the trial court's questions during the Crim.R. 11 colloquy contradict his assertions on appeal. During the colloquy, Anderson assured the trial court that his guilty pleas were the product of his own free will and not pursuant to any threat or promise. He also represented that

he was satisfied with his representation and that defense counsel had answered all questions to his satisfaction. Therefore, the record does not support Anderson's contention that his pleas were entered unknowingly, involuntarily, or under duress.

{¶13} Accordingly, Anderson's first assignment of error is overruled.

B. Ineffective Assistance of Counsel

{¶14} In his second assignment of error, Anderson argues that his trial counsel rendered ineffective assistance in violation of his Sixth Amendment right to counsel. More specifically, Anderson claims that his attorney's failure to provide discovery materials to him and his attorney's representation to the trial court the day before Anderson entered his guilty pleas that a jury could easily determine that some of the felony counts were only misdemeanor offenses fell below the minimum standards of competence for defense counsel.

{¶15} To succeed on an ineffective-assistance-of-counsel claim, Anderson must show that "(1) trial counsel's performance was deficient, and (2) the deficient performance deprived him of a fair trial." *State v. Akins*, 2024-Ohio-1491, ¶ 45 (1st Dist.), citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984). An appellant's "failure to satisfy one prong of the *Strickland* test negates a court's need to consider the other." *Id.* "[T]o show that a defendant has been prejudiced by counsel's deficient performance, the defendant must prove that there exists a reasonable probability that, were it not for counsel's errors, the result of the trial would have been different." *State v. Bradley*, 42 Ohio St.3d 136, 143 (1989). When a defendant pleads guilty, he can only establish prejudice by showing that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial. *State v. Jordan*, 2016-Ohio-5709, ¶ 33 (8th Dist.) (cataloging cases discussing prejudice in the context of guilty pleas).

{¶16} Anderson first argues that defense counsel rendered ineffective assistance by failing to provide discovery materials to him. We disagree. "Counsel is not deficient *ipso facto* for failing to share discovery materials with a defendant." *State v. Hollie*, 2026-Ohio-2665, ¶ 17 (11th Dist.). "In fact, in the few cases in which defendants have claimed a right of access to all discovery materials, most courts have held that [t]rial counsel's decision whether to provide [the defendant] with discovery materials constitutes a matter of trial strategy and judgment that ultimately lies within counsel's discretion." (Cleaned up.) *State v. Thompson*, 2014-Ohio-4751, ¶ 219. Moreover, even if counsel were somehow deficient in failing to share Anderson's discovery materials with him, Anderson does not suggest that he would not have pleaded guilty and instead would have gone to trial. In absence of such a showing, Anderson cannot establish that he was prejudiced by not receiving discovery and therefore cannot meet his burden under *Strickland*. *See Jordan* at ¶ 33.

{¶17} Anderson next argues that defense counsel performed deficiently by representing him in pleading guilty despite his statement the day before that a jury may have convicted Anderson of lesser misdemeanors rather than felonies. Here again Anderson cannot demonstrate prejudice, as nothing in the record demonstrates that he would have rejected the plea bargain and gone to trial in the absence of this statement. *See Jordan* at ¶ 33. Moreover, what verdicts a jury would have reached had Anderson gone to trial is entirely speculative. *Id.* at ¶ 37.

{¶18} We overrule Anderson's second assignment of error.

Conclusion

{¶19} Anderson's guilty pleas were not unknowing and involuntary, and he did not receive the ineffective assistance of counsel. We overrule Anderson's assignments of error and affirm the judgments of the trial court.

Judgments affirmed.

CROUSE and **NESTOR, JJ.,** concur.