

OHIO FIRST DISTRICT COURT OF APPEALS

State v. McCrary

2026-Ohio-1263 · No. C-250240 · Decided April 8, 2026

SUMMARY

The Ohio First District Court of Appeals held that the trial court failed to substantially comply with Crim.R. 44 before allowing Seandell McCrary to represent himself, and that he did not knowingly, intelligently, and voluntarily waive his right to counsel. The court reversed his convictions and remanded for a new trial. It rejected his sufficiency-of-the-evidence and automobile-search suppression arguments, allowing the State to introduce evidence obtained as a result of his arrest on retrial.

CASE DETAILS

COURT	Ohio First District Court of Appeals
WRITING FOR THE COURT	Kinsley, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio First District Court of Appeals
DECIDED	April 8, 2026
DOCKET	C-250240
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Criminal appeal from convictions for drug trafficking and possession following a jury trial at which McCrary represented himself. The defendant challenged the validity of his waiver of counsel, the sufficiency and manifest weight of the evidence, denial of his motion to suppress, cumulative error, and consecutive sentencing.
STANDARD OF REVIEW	The propriety of a defendant's waiver of the right to counsel is reviewed de novo. Sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. A motion to suppress is reviewed under a blended standard: factual findings are accepted if supported by competent, credible evidence, and the application of law to those facts is reviewed de novo.
PRECEDENTIAL VALUE	Published Ohio appellate opinion
PARTIES	Seandell McCrary v. State of Ohio

TOPICS

right to counsel

criminal procedure

probable cause

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether McCrary knowingly, intelligently, and voluntarily waived his constitutional right to counsel before representing himself at trial.
2. Whether the State presented sufficient evidence to support McCrary's convictions for drug trafficking and possession.
3. Whether the trial court properly denied McCrary's motion to suppress evidence obtained following his warrantless arrest and related searches.
4. Whether McCrary's manifest-weight, cumulative-error, and consecutive-sentencing claims required reversal.

HOLDINGS

1. The trial court failed to substantially comply with Crim.R. 44(A), and McCrary did not knowingly, intelligently, and voluntarily waive his right to counsel. The court failed to explain the charges, statutory offenses, possible punishments, possible defenses and mitigation, the procedural standards applicable to a self-represented litigant, and the dangers and disadvantages of self-representation.
2. The State presented sufficient evidence to support McCrary's convictions, so he may be retried after the reversal based on the invalid waiver of counsel.
3. The trial court properly denied the motion to suppress because officers had probable cause to arrest McCrary based on their observations of multiple controlled hand-to-hand drug transactions and his identification as the participant.

KEY QUOTATIONS

“The trial court should accordingly explain to the accused “the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all the other facts essential to a broad understanding of the whole matter.”” (¶ 39)

“This is “so that the record will establish that ‘he knows what he is doing and his choice is made with eyes open.’”” (¶ 40)

“The test for probable cause requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.” (¶ 62)

FACTUAL BACKGROUND

Police conducted multiple controlled drug transactions involving a confidential informant and identified McCrary as the person known as “Raw.” On July 5, 2021, officers observed McCrary engage in a suspected hand-to-hand drug transaction at a hotel, arrested him, and found a hotel key, drug-related items, and fentanyl concealed near his genitalia; a warrant-based search of the hotel room revealed approximately 143.934 grams of a fentanyl and xylazine mixture, drug paraphernalia, and cash. McCrary represented himself at trial after repeatedly requesting counsel, and the trial court did not conduct the comprehensive waiver colloquy required by Crim.R. 44(A).

PROCEDURAL HISTORY

McCrary was indicted on drug-trafficking and drug-possession charges after undercover controlled drug transactions and was convicted of Counts 2 through 5 following a jury trial. The trial court sentenced him to an aggregate indefinite term of 30 to 35 and one-half years, consecutive sentences, and a \$40,000 fine. The court of appeals held that the trial court failed to substantially comply with Crim.R. 44(A) before allowing self-representation, reversed the convictions, and remanded for a new trial, while affirming the denial of the suppression motion and holding that the evidence was sufficient to permit retrial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a new trial. The State may introduce evidence obtained as a result of McCrary's arrest, because the arrest was supported by probable cause and the suppression motion was properly denied.

CASES CITED

- State v. Jackson, 2019-Ohio-2933 (1st Dist.)
- State v. Sherman, 2023-Ohio-2142 (1st Dist.)
- State v. Martin, 2004-Ohio-5471
- State v. Furr, 2018-Ohio-2205 (1st Dist.)
- State v. Hundley, 2020-Ohio-3775
- Brewer v. Williams, 430 U.S. 387 (1977)
- State v. Brown, 2018-Ohio-3674 (8th Dist.)
- State v. Wallace, 2024-Ohio-4886 (1st Dist.)
- State v. Ott, 2017-Ohio-521 (9th Dist.)
- Faretta v. California, 422 U.S. 806 (1975)
- State v. Obermiller, 2016-Ohio-1594
- Johnson v. Zerbst, 304 U.S. 458 (1938)
- State v. Thompson, 78 Ohio St.3d 380 (1997)
- State v. Jenks, 61 Ohio St.3d 259 (1991)

- State v. Devaughan, 2020-Ohio-651 (1st Dist.)
- State v. Hankerson, 70 Ohio St.2d 87 (1982)
- In re J.T., 2023-Ohio-2695 (1st Dist.)
- State v. Jordan, 2020-Ohio-689 (1st Dist.)
- State v. Deters, 128 Ohio App.3d 329 (1st Dist. 1998)
- State v. Thorton, 2018-Ohio-2960 (1st Dist.)
- State v. Hovatter, 2018-Ohio-2254 (5th Dist.)

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