

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT

State v. Bishop

2026-Ohio-781 · No. 2025-A-0036 · Decided March 9, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals held that the trial court completely failed to inform Diana Rachelle Bishop of the effect of her guilty plea as required by Ohio Criminal Rule 11(E). Although Bishop had signed an advisement at arraignment, the court concluded that the advisement did not satisfy the rule under the circumstances because there was no written plea and no advisement at the change-of-plea hearing. The court reversed the judgment, vacated the plea and conviction, and remanded for further proceedings.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District
WRITING FOR THE COURT	Robert J. Patton; Matt Lynch; Eugene A. Lucci
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Ashtabula County
DECIDED	March 9, 2026
DOCKET	2025-A-0036
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Diana Rachelle Bishop appealed from the Ashtabula County Court, Eastern Division's judgment sentencing her after accepting her guilty plea to violating a protection order. The appellate court addressed the second assignment of error first, concerning compliance with Ohio Criminal Rule 11(E), and reversed the judgment.
STANDARD OF REVIEW	Whether a trial court accepted a plea in compliance with Crim.R. 11 is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Diana Rachelle Bishop v. State of Ohio

TOPICS

- criminal procedure
- plea bargaining
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court violated Crim.R. 11(E) by accepting Bishop's guilty plea to a petty misdemeanor without informing her of the effect of the plea before accepting it.
2. Whether the trial court erred by accepting Bishop's guilty plea after the prosecutor stated that the State could not sustain a conviction on the charge.

HOLDINGS

1. The trial court completely failed to comply with Crim.R. 11(E) because it did not inform Bishop at the change-of-plea hearing of the effect of her guilty plea, and the earlier arraignment advisement did not satisfy the rule under the circumstances shown in this record.
2. The court declined to address the first assignment of error because its decision on the Crim.R. 11(E) issue was dispositive of the appeal.

KEY QUOTATIONS

“In misdemeanor cases involving petty offenses the court may refuse to accept a plea of guilty or no contest, and shall not accept such pleas without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty.” (¶ 16)

“A complete failure to comply with the nonconstitutional requirements set forth in Crim.R. 11(E) requires reversal.” (¶ 3)

FACTUAL BACKGROUND

Bishop was charged with violating a protection order, a first-degree misdemeanor under R.C. 2919.27(A)(2) and (B)(2). At arraignment, she signed a statement advising that a guilty plea was a complete admission of guilt and would waive her right to trial. Several weeks later, at a change-of-plea hearing, the trial court accepted her guilty plea to the original charge without again informing her of the effect of the plea, and immediately sentenced her to a jointly recommended term of 180 days with 120 days suspended. No written plea was included in the record.

PROCEDURAL HISTORY

Bishop was charged with first-degree-misdemeanor violation of a protection order. After initially pleading not guilty, she later pleaded guilty to the original charge when the trial court declined to accept an amended criminal-trespass charge. The trial court accepted the plea, imposed a jointly recommended sentence, and entered a conviction. On appeal, the State conceded that the trial court failed to inform Bishop at the plea hearing of the effect of her guilty plea. The appellate court held that the failure was complete, vacated the plea and conviction, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further proceedings consistent with the appellate opinion after the guilty plea and conviction are vacated.

CASES CITED

- State v. Willard, 2021-Ohio-2552 (11th Dist.)
- State v. Sanchez, 2024-Ohio-5868 (11th Dist.)
- State v. Stewart, 51 Ohio St.2d 86, 92 (1977)
- State v. Dangler, 2020-Ohio-2765
- State v. Watkins, 2003-Ohio-2419
- State v. Brantweiner, 2020-Ohio-5235 (11th Dist.)
- State v. Jones, 2007-Ohio-6093
- State v. Perin, 2019-Ohio-4817 (4th Dist.)
- State v. Arnold, 2009-Ohio-2649 (7th Dist.)
- State v. Perkins, 2008-Ohio-5060 (10th Dist.)
- State v. O'Brien-Devilliers, 2024-Ohio-1432 (11th Dist.)

OPINION

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PER CURIAM.

[Cite as State v. Bishop, 2026-Ohio-781.]

IN THE COURT OF APPEALS OF OHIO

ELEVENTH APPELLATE DISTRICT

ASHTABULA COUNTY

STATE OF OHIO, CASE NO. 2025-A-0036

Plaintiff-Appellee, Criminal Appeal from the - vs - County Court, Eastern Division

DIANA RACHELLE BISHOP,

Trial Court No. 2025 CRB 00126 E Defendant-Appellant.

OPINION AND JUDGMENT ENTRY

Decided: March 9, 2026 Judgment: Reversed and remanded April R. Grabman, Ashtabula County Prosecutor, and Dane R. Hixon, Assistant Prosecutor, 25 West Jefferson Street, Jefferson, OH 44047 (For Plaintiff-Appellee). Alisa Boles, A.E. Boles, L.L.C., 35 East 202nd Street, Euclid, OH 44123 (For Defendant- Appellant). ROBERT J. PATTON, J. {¶1} Defendant-appellant, Diana Rachelle Bishop (“Bishop”), appeals from the judgment of the Ashtabula County Court, Eastern

Division, sentencing her to 60 days in jail resulting from her guilty plea and conviction for violating a protection order, in violation of R.C. 2919.27(A), a first-degree misdemeanor.¹

1. Bishop was sentenced to a jointly recommended sentence of 180 days with 120 days suspended, for a

total of 60 days in jail. {¶2} Bishop raises two assignments of error on appeal. In her second assignment of error, Bishop argues that the trial court completely failed to inform her of the effect of her guilty plea. The State concedes the error. {¶3} Upon review, we conclude that Bishop's second assignment of error has merit as the trial court failed to inform Bishop of the effect of her guilty plea at the time of her plea hearing. This constitutes a complete failure to comply with Crim.R. 11(E). A complete failure to comply with the nonconstitutional requirements set forth in Crim.R. 11(E) requires reversal. {¶4} As Bishop's second assignment of error is dispositive of this appeal, the first assignment of error is moot. {¶5} The judgment of the Ashtabula County Court, Eastern Division, is reversed, and Bishop's plea and conviction are vacated. This matter is remanded for further proceedings in accordance with this opinion. Substantive and Procedural Facts {¶6} On May 21, 2025, a complaint was filed in Ashtabula County Court, Eastern Division, charging Bishop with one count of violating a protection order, a misdemeanor of the first degree, in violation of R.C. 2919.27(A)(2) and (B)(2). On May 22, 2025, Bishop pleaded not guilty at arraignment and bond was set at \$10,000 cash or surety. As a condition of bond, Bishop was ordered to have no contact with the victim and to remain off the premises of the McDonald's restaurant in Jefferson, Ohio. At arraignment, Bishop signed a "Statement of Rights & Responsibilities." It contained the following advisement:

7. I understand that I may plead NOT GUILTY, GUILTY OR NO CONTEST, and that the effect of such plea is as follows:

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Case No. 2025-A-0036 The plea of GUILTY is a complete admission of guilt. The Court would enter a finding of guilty and proceed with sentencing. I understand that if I plead guilty I thereby waive my right to trial. (Emphasis in original.) {¶7} On June 10, 2025, the State filed a motion to dismiss. The motion averred that "[a]fter further review of all evidence, additional evidence requested and further findings, the case against Defendant should be dismissed as the [State] cannot sustain a conviction on the charges levied . . . in this particular matter." The trial court denied the motion the same day. {¶8} On June 16, 2025, the parties appeared before the trial court for a change of plea. The parties presented a plea to an amended charge of criminal trespass, a misdemeanor of the fourth degree. The court declined to accept the amendment. After further discussions amongst the parties, the case was recalled, and Bishop agreed to plead guilty to the original charge of violating a protection order. A written plea is not part of the record. {¶9} At the plea hearing, the parties jointly recommended a sentence of 180 days in jail with 120 days suspended. The victim provided an oral statement and requested additional jail time. The trial court proceeded directly to sentencing and sentenced Bishop to the jointly recommended sentence.

Bishop was awarded eight days of jail-time credit.² The court indicated that Bishop would be subject to five years of probation and imposed a \$150 fine, plus costs. {¶10} Bishop appeals from the trial court's sentencing entry.

2. On June 18, 2025, two days after sentencing, Bishop filed a motion to recalculate and grant jail-time

credit. On June 24, 2025, the trial court granted the motion and awarded a total of 27 days of credit.

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Case No. 2025-A-0036 The Appeal {¶11} Bishop raises two assignments of error for review on appeal: [1.] The trial court erred when it accepted a guilty plea to a crime after the prosecutor said on the record that there is not sufficient evidence that defendant committed the crime as charged. [2.] The trial court erred when it accepted a guilty plea to a misdemeanor, and a jury trial waiver, without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty. {¶12} We first address Bishop's second assignment of error as it is dispositive of this appeal. In her second assignment of error, Bishop asserts that the trial court failed to inform her of the effect of her plea. The State concedes the error. We agree. {¶13} Whether the trial court accepted a plea in compliance with Crim.R. 11 is reviewed de novo. *State v. Willard*, 2021-Ohio-2552, ¶ 51 (11th Dist.). A trial court is not required to use the precise verbiage of the rule; however, the dialogue between the court and the defendant must demonstrate that the defendant understood the consequences of his plea. *State v. Sanchez*, 2024-Ohio-5868, ¶ 20 (11th Dist.), quoting *State v. Stewart*, 51 Ohio St.2d 86, 92 (1977), and *State v. Dangler*, 2020-Ohio-2765, ¶ 12. "For this reason, a reviewing court will not reverse a conviction on appeal unless 'an error occurred in the trial-court proceedings and . . . [the defendant] was prejudiced by that error.'" *Sanchez*, quoting *Dangler* at ¶ 13. There are two exceptions to the prejudice requirement: 1) when the trial court fails to notify the defendant of certain constitutional rights during a plea colloquy, and 2) when there is a complete failure by the trial court to inform the defendant of the non-constitutional rights set forth in Crim.R.11. *Sanchez*, citing *Dangler* at ¶ 14-15.

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Case No. 2025-A-0036 A judge's duty to a defendant before accepting his guilty or no contest plea is graduated according to the seriousness of the crime with which the defendant is charged. Crim.R. 11 distinguishes between "[p]leas of guilty and no contest in felony cases" (Crim.R. 11[C]), "[m]isdemeanor cases involving serious offenses" (Crim.R. 11[D]), and "[m]isdemeanor cases involving petty offenses" (Crim.R. 11[E]). The requirements placed upon a court take steady steps that culminate in Crim.R. 11(C). *State v. Watkins*, 2003-Ohio-2419, ¶ 25; *State v. Brantweiner*, 2020-Ohio-5235, ¶ 57 (11th Dist.). {¶14} Misdemeanors are classified as either a "serious offense" or a "petty offense." Crim.R. 2(C) and (D). A "'serious offense' means any felony, and any misdemeanor for which the penalty prescribed by law includes confinement for more than six months." Crim.R. 2(C). Whereas a "'[p]etty offense' means a misdemeanor other

than a serious offense.” Crim.R. 2(D). {¶15} Bishop pleaded guilty to and was convicted of violating a protection order, a violation of R.C. 2919.27(A), a first-degree misdemeanor. For a misdemeanor of the first degree, the sentence shall be “not more than one hundred eighty days” in jail. R.C. 2929.24(A)(1). Therefore, a violation of a protection order, as charged in the instant case, is a petty offense. {¶16} “In misdemeanor cases involving petty offenses the court may refuse to accept a plea of guilty or no contest, and shall not accept such pleas without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty.” Crim.R. 11(E). “To satisfy the requirement of informing a defendant of the effect of a plea, a trial court must inform the defendant of the appropriate language under Crim.R. 11(B).” *State v. Jones*, 2007-Ohio-6093, paragraph two of the syllabus. Crim.R. 11(B)(1) defines the

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Case No. 2025-A-0036 effect of a guilty plea as follows: “[t]he plea of guilty is a complete admission of the defendant’s guilt. “[T]o satisfy the requirement of informing a defendant of the effect of a plea, a trial court must inform the defendant of the appropriate language under Crim.R. 11(B).” *Jones* at ¶ 25. The advisement must be made before accepting the plea and can be delivered either orally or in writing. *Id.* at ¶ 51. {¶17} Bishop contends that the trial court failed to inform her of the effect of her guilty plea. At the change of plea hearing, the trial court did not inform Bishop of the effect of her plea. There is also no written plea in the record. However, at arraignment, Bishop signed a “Statement of Rights & Responsibilities” that contained the following: “The plea of GUILTY is a complete admission of guilt. The Court would enter a finding of guilty and proceed with sentencing. I understand that if I plead guilty I thereby waive my right to trial.” {¶18} Some appellate districts have found that such advisements of the effect of the plea at arraignment satisfy Crim.R. 11(E). See *State v. Perin*, 2019-Ohio-4817, ¶ 18 (4th Dist.) (“Although the court did not repeat the information when Perin changed his plea from not guilty to guilty, Crim.R. 11(E) requires only that a court inform the defendant of the effect of the plea being entered sometime before accepting the plea. The rule does not mandate that the court provide the information at the same hearing in which the plea is entered.”); *State v. Arnold*, 2009-Ohio-2649, ¶ 21 (7th Dist.) (concluding that the trial court complied with Crim.R. 11 when it explained the effect of a plea during arraignment); *State v. Perkins*, 2008-Ohio-5060, ¶ 54 (10th Dist.) (finding the defendant was informed of the effect of the plea at arraignment and that the advisement complied with Crim.R. 11).

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circumstances, having been in jail unmedicated since her arrest on the day of the incident. Further, it was not a written plea form signed on the day of the plea hearing.” Id. This court determined that this amounted to a complete failure under the rule and vacated the defendant’s guilty pleas. Id. at ¶ 55. This court reached the same conclusion in Sanchez, 2024-Ohio-5868, at ¶ 31 (11th Dist.). Therefore, we reach the same conclusion in the case sub judice. {¶20} Accordingly, Bishop’s second assignment of error has merit. Because this court’s decision on Bishop’s second assignment of error is dispositive of this appeal, we decline to address her first assignment of error. Conclusion {¶21} As Bishop’s second assignment of error is meritorious, her plea and conviction are vacated, and this matter is remanded to the trial court for further proceedings consistent with this court’s opinion.

MATT LYNCH, P.J.,

EUGENE A. LUCCI, J.,

concur.

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JUDGMENT ENTRY

For the reasons stated in the opinion of this court, it is the judgment and order of this court that the judgment of the Ashtabula County Court, Eastern Division, is reversed, and appellant’s plea and conviction are vacated. This matter is remanded to the trial court for further proceedings consistent with the opinion. Costs to be taxed against appellee.

JUDGE ROBERT J. PATTON

PRESIDING JUDGE MATT LYNCH,

concur

JUDGE EUGENE A. LUCCI,

concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.

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