

COURT OF APPEALS OF OHIO, SEVENTH APPELLATE DISTRICT,
COLUMBIANA COUNTY

State v. Jackson

2026-Ohio-1325 · No. 25 CO 0029 · Decided April 10, 2026

SUMMARY

The Seventh District Court of Appeals of Ohio affirmed Davante L. Jackson’s convictions and sentence for fentanyl-related trafficking and possession, drug trafficking and possession, and tampering with evidence. The court rejected his claims that counsel was ineffective for withdrawing a motion to suppress and that his no-contest plea was not knowingly, intelligently, and voluntarily entered. The court concluded that the record did not establish ineffective assistance and that the trial court substantially complied with Crim.R. 11(C)(2).

CASE DETAILS

COURT	Court of Appeals of Ohio, Seventh Appellate District, Columbiana County
WRITING FOR THE COURT	Mark A. Hanni, J.; Cheryl L. Waite, P.J.; Carol Ann Robb, J.
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Columbiana County
DECIDED	April 10, 2026
DOCKET	25 CO 0029
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct criminal appeal from convictions and sentence following a no contest plea. The defendant challenged trial counsel's withdrawal of a motion to suppress and the knowing, intelligent, and voluntary nature of his plea.
STANDARD OF REVIEW	Ineffective-assistance claims are evaluated under the two-prong Strickland test, requiring deficient performance and prejudice. The validity of a felony plea is reviewed under Crim.R. 11(C)(2): strict compliance is required for constitutional rights and substantial compliance for nonconstitutional rights.
PRECEDENTIAL VALUE	published
PARTIES	Davante L. Jackson v. State of Ohio

TOPICS

ineffective assistance

suppression of evidence

plea bargaining

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

criminal appeals

ineffective assistance of counsel

plea validity

suppression of evidence

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by withdrawing a motion to suppress without Jackson's prior knowledge.
2. Whether Jackson's no contest plea was unknowing, unintelligent, or involuntary because he allegedly did not understand the consequences of the withdrawn suppression motion and the rights waived by the plea.

HOLDINGS

1. Jackson failed to establish ineffective assistance of counsel because the record did not demonstrate a valid ground for suppression, his assertions concerning probable cause were speculative and unsupported by the appellate record, withdrawing the motion could have been a matter of trial strategy or plea negotiation, and he failed to show prejudice.
2. Jackson's no contest plea was knowingly, intelligently, and voluntarily entered because the trial court strictly complied with Crim.R. 11(C)(2) as to constitutional rights and substantially complied as to nonconstitutional rights, and the court addressed his lack of initial awareness of the withdrawn suppression motion by allowing consultation with counsel and confirming that his questions had been answered.

KEY QUOTATIONS

"If the plea is not knowing, intelligent, and voluntary, it has been obtained in violation of due process and is void." (§ 21)

"Nothing on the record indicates that Appellant's plea was anything less than knowingly, intelligently, and voluntarily entered." (§ 29)

FACTUAL BACKGROUND

Jackson was driving a vehicle stopped for not having a visible license plate and was also impaired. While in the police cruiser, he removed a container of pills and handed it to his passenger; the pills contained 14.58 grams of a fentanyl-related compound that he attempted to conceal. He was indicted on trafficking, possession, and tampering-with-evidence charges, later entered a no contest plea after counsel withdrew a suppression motion, and received an aggregate sentence of five and one-half to seven and one-half years.

PROCEDURAL HISTORY

A Columbiana County grand jury indicted Jackson on five drug- and evidence-related offenses. After counsel withdrew a motion to suppress as part of plea negotiations, Jackson entered a no contest plea. The trial court accepted the plea, imposed an aggregate sentence of five and one-half to seven and one-half years, and ordered specified terms to run concurrently or consecutively. Jackson timely appealed, and the Seventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Bradley, 42 Ohio St.3d 136 (1989)
- State v. Calhoun, 86 Ohio St.3d 279, 289 (1999)
- State v. Spaulding, 151 Ohio St.3d 378, 2016-Ohio-8126, 89 N.E.3d 554, ¶ 94
- State v. Brown, 115 Ohio St.3d 55, 2007-Ohio-4837, 873 N.E.2d 858, ¶ 65
- State v. Hartman, 93 Ohio St.3d 274, 299, 754 N.E.2d 1150 (2001)
- State v. Ishmail, 54 Ohio St.2d 402, 406, 377 N.E.2d 500 (1978)
- State v. Gervin, 2016-Ohio-5670, ¶ 23 (3d Dist.)
- State v. Carter, 2017-Ohio-7501, ¶ 78 (7th Dist.)
- State v. Cabiness, 2025-Ohio-3087, ¶ 25 (5th Dist.)
- State v. Trubee, 2005-Ohio-552, ¶ 8 (3d Dist.)
- Brady v. United States, 397 U.S. 742 (1970)
- State v. Martinez, 2004-Ohio-6806, ¶¶ 11-12 (7th Dist.)
- Boykin v. Alabama, 395 U.S. 238, 243 (1969)

OPINION

State v. Jackson

2026 Ohio 1325

PER CURIAM.

[Cite as State v. Jackson, 2026-Ohio-1325.]

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT

COLUMBIANA COUNTY

STATE OF OHIO,

Plaintiff-Appellee, v.

DAVANTE L. JACKSON,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY

Case No. 25 CO 0029 Criminal Appeal from the Court of Common Pleas of Columbiana County,

Ohio Case No. 2024 CR 652 BEFORE: Mark A. Hanni, Cheryl L. Waite, Carol Ann Robb, Judges. JUDGMENT: Affirmed. Atty. Vito J. Abruzzino, Columbiana County Prosecutor, and Atty. Christopher R.W. Weeda, Assistant Prosecuting Attorney, for Plaintiff-Appellee and Atty. Colin P. Cochran, Cochran Legal, LLC, for Defendant-Appellant. Dated: April 10, 2026 –2– HANNI, J. {¶1} Defendant-Appellant, Davante L. Jackson, appeals from a Columbiana County Common Pleas Court judgment convicting him of trafficking in a fentanyl-related compound, possession of a fentanyl-related compound, trafficking in drugs, possession of drugs, and tampering with evidence. Appellant entered a no contest plea to these charges. He now contends his trial counsel was ineffective for withdrawing a motion to suppress and he did not enter his plea knowingly, voluntarily, and intelligently. Because trial counsel was not ineffective and Appellant entered his plea knowingly, voluntarily, and intelligently, the trial court's judgment is affirmed. {¶2} Because Appellant entered a no contest plea in this matter, the facts of the case are scant. On February 2, 2024, Appellant was the driver of a vehicle subject to a traffic stop for not having a visible license plate. Appellant was also impaired and was placed in the police cruiser along with his passenger. While in the cruiser, Appellant withdrew a container of pills from his pocket and handed them to his passenger. The pills contained 14.58 grams of a fentanyl-related compound, which he attempted to conceal. {¶3} On December 16, 2024, a Columbiana County Grand Jury indicted Appellant on one count of trafficking in a fentanyl-related compound, a second-degree felony in violation of R.C. 2925.03(A)(2) (Count 1); one count of possession of a fentanyl-related compound, a second-degree felony in violation of R.C. 2925.11(A) (Count 2); one count of trafficking in drugs, a fifth-degree felony in violation of R.C. 2925.03(A)(2) (Count 3); one count of possession of drugs, a fifth-degree felony in violation of R.C. 2925.11(A) (Count 4); and one count of tampering with evidence, a third-degree felony in violation of R.C. 2921.12(A)(1) (Count 5). Appellant initially entered a not guilty plea. {¶4} After a February 13, 2025 hearing, and again after an April 11, 2025 hearing, the trial court noted that Appellant had several other cases pending and he was attempting to reach a global resolution with Plaintiff-Appellee, the State of Ohio. {¶5} On August 5, 2025, Appellant's counsel filed a motion to suppress alleging there was no probable cause for the traffic stop. But three days later, on August 8, 2025, counsel withdrew the motion to suppress because a plea agreement had been reached. {¶6} On August 18, 2025, the trial court held a change of plea hearing for this case and another case pending against Appellant for having weapons under a disability Case No. 25 CO 0029 –3– (2024 CR 178). A third case (2023 CR 227) was also pending against Appellant during this time. Appellant indicated he wished to enter a no contest plea to the indictment in this case. In exchange, the State agreed to recommend concurrent four-to-six year prison terms on Counts 1 and 2; concurrent 12-month prison terms on Counts 3 and 4, to be served concurrently to the sentences in Counts 1 and 2; and an 18-month prison term on Count 5, to be served consecutively to the other terms. In total, the State would recommend a sentence of 5½ (minimum) to 7½ (maximum) years. {¶7} At the change of plea hearing, the court informed Appellant that his counsel had filed and then withdrawn a motion to suppress. Appellant

indicated he was unaware of this. The court then allowed Appellant and his counsel to discuss the matter. After their discussion, the court again asked Appellant if he understood that his attorney had filed and then withdrawn a motion to suppress. Appellant indicated he understood. The trial court then went on to discuss the charges Appellant faced and the rights he was waiving by entering a no contest plea. The court accepted Appellant's plea, entered a finding of guilt, and set the matter for sentencing. {¶8} The court held a sentencing hearing on September 16, 2025. It sentenced Appellant to an indefinite prison term with a stated minimum of four years minimum on Count 1, an indefinite prison term with a stated minimum of four years minimum on Count 2, a definite prison term of 12 months on Count 3, a definite prison term of 12 months on Count 4, and a definite prison term of 18 months on Count 5. The court ordered the sentences on Counts 1 and 2 to be served concurrently with each other and the sentences on Counts 3 and 4 to be served concurrently with each other. It ordered the sentence on Count 5 to be served consecutively to the sentences in Counts 1 and 2 and Counts 3 and

4. Additionally, the court ordered Appellant to serve the sentence in this case consecutively to the sentences imposed in Case No. 2024 CR 178 and Case No. 2023 CR 227. Appellant's total sentence in this case is a minimum of 5½ years to a maximum of 7½ years. And the court imposed a mandatory \$7,500 fine on Count 1. {¶9} Appellant filed a timely notice of appeal on October 1, 2025. He now raises two assignments of error for our review. {¶10} Appellant's first assignment of error states: Case No. 25 CO 0029 –4–

APPELLANT'S CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE
OF COUNSEL WAS VIOLATED WHEN SUCH COUNSEL WITHDREW A

MOTION TO SUPPRESS WITHOUT APPELLANT'S KNOWLEDGE. {¶11} Appellant argues his trial counsel was ineffective because counsel filed a motion to suppress yet later withdrew that motion without Appellant's knowledge. The motion to suppress was for evidence obtained during the traffic stop. Appellant claims the motion would have been successful because there was no probable cause for the traffic stop. He says the trooper stopped him for having an inoperable license plate light and not having a license plate displayed that could be seen from the patrol car. Appellant claims he had a temporary tag in the left top area of his rear window. Thus, Appellant argues his counsel should have pursued the motion to suppress. {¶12} To prove an allegation of ineffective assistance of counsel, the appellant must satisfy a two-prong test. First, the appellant must establish that counsel's performance has fallen below an objective standard of reasonable representation. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *State v. Bradley*, 42 Ohio St.3d 136

(1989), paragraph two of the syllabus. Second, the appellant must demonstrate that he was prejudiced by counsel's performance. *Id.* To show that he has been prejudiced by counsel's deficient performance, the appellant must prove that, but for counsel's errors, the result of the trial would have been different. *Bradley* at paragraph three of the syllabus. {¶13} Appellant bears the burden of proof on the issue of counsel's ineffectiveness. *State v. Calhoun*, 86 Ohio St.3d 279, 289

(1999). In Ohio, a licensed attorney is presumed competent. Id. {¶14} In determining whether the failure to file a motion to suppress constitutes ineffective assistance of counsel, this Court has stated: More specifically, where a defendant complains trial counsel failed to file a suppression motion, the defendant must prove there was a valid ground to suppress the evidence in dispute. [State v.] Spaulding, 151 Ohio St.3d 378, 2016-Ohio-8126, 89 N.E.3d 554 at ¶ 94, citing State v. Brown, 115 Ohio St.3d 55, 2007-Ohio-4837, 873 N.E.2d 858, ¶ 65. The defendant must also show there is a reasonable probability the result of the trial would Case No. 25 CO 0029 –5– have been different if the evidence had been suppressed. Spaulding, 151 Ohio St.3d 378, 2016-Ohio-8126, 89 N.E.3d 554 at ¶ 94. A claim of ineffective assistance of counsel in a direct appeal must be established by the evidence in the record. See, e.g., State v. Hartman, 93 Ohio St.3d 274, 299, 754 N.E.2d 1150 (2001) (if establishing ineffective assistance of counsel requires proof outside the record, then such claim is not appropriately considered on direct appeal); State v. Ishmail, 54 Ohio St.2d 402, 406, 377 N.E.2d 500 (1978) (the appellate court is limited to what transpired as reflected by the record on direct appeal). See also State v. Gervin, 3d Dist. No. 9-15-51, 2016-Ohio-5670, 2016 WL 4608483, ¶ 23 (if the record developed at trial is inadequate to support the unraised suppression argument, the ineffective assistance of counsel fails). State v. Carter, 2017-Ohio-7501, ¶ 78 (7th Dist.). {¶15} There are few actual facts in the record of this case. Appellant’s statements regarding the motion to suppress and his statement that he would likely prevail are nothing but speculation based on facts that are not in the record. {¶16} Additionally, the decision not to file a motion to suppress may be considered a matter of trial strategy and a trial attorney is not “per se” ineffective for failing to file a motion to suppress. State v. Cabiness, 2025-Ohio-3087, ¶ 25 (5th Dist.). The same can be said for deciding to withdraw a motion to suppress. {¶17} Finally, Appellant had three pending criminal cases at the same time. Appellant’s counsel and the State had been actively seeking a resolution to the cases by way of a plea agreement for several months. It is possible that dismissing the motion to suppress was part of the plea negotiations. Given the fact that Appellant was facing a maximum sentence of over 25 years in this case, it is difficult to find that his counsel was ineffective in negotiating a 5½ to 7½ year sentence. {¶18} Accordingly, Appellant’s first assignment of error is without merit and is overruled. {¶19} Appellant’s second assignment of error states:

APPELLANT WAS PRECLUDED FROM KNOWINGLY, INTELLIGENTLY,
AND VOLUNTARILY ENTERING A PLEA. Case No. 25 CO 0029

–6– {¶20} Here, Appellant contends he did not make his plea knowingly and intelligently because he did not have a full understanding of the consequences of the withdrawn motion to suppress and his constitutional rights. He claims the trial court made no effort to ensure that he was aware of the effects and consequences of the withdrawn motion to suppress and, therefore, he did not knowingly and intelligently enter his plea. {¶21} When determining the validity of a plea, this court must consider all of the relevant circumstances surrounding it. State v. Trubee, 2005-Ohio-552, ¶ 8 (3d Dist.), citing Brady v. United States, 397 U.S. 742 (1970). Pursuant to Crim.R. 11(C)

(2), the trial court must follow a certain procedure for accepting guilty pleas in felony cases. Before the court can accept a guilty plea to a felony charge, it must conduct a colloquy with the defendant to determine that he understands the plea he is entering and the rights he is voluntarily waiving. Crim.R. 11(C)(2). If the plea is not knowing, intelligent, and voluntary, it has been obtained in violation of due process and is void. *State v. Martinez*, 2004-Ohio- 6806, ¶ 11 (7th Dist.), citing *Boykin v. Alabama*, 395 U.S. 238, 243 (1969). {¶22} A trial court must strictly comply with Crim.R. 11(C)(2) pertaining to the waiver of federal constitutional rights. *Martinez* at ¶ 12. These rights include the right against self-incrimination, the right to a jury trial, the right to confront one's accusers, the right to compel witnesses to testify by compulsory process, and the right to proof of guilt beyond a reasonable doubt. Crim.R. 11(C)(2)(c). {¶23} The trial court strictly complied with Crim.R. 11(C)(2) in this case by advising Appellant of each of the constitutional rights he was waiving by entering a no contest plea. The court informed Appellant he was giving up his right to a jury trial, his right to confront witnesses against him, the right to compel witnesses to testify on his behalf, his right against self-incrimination, and his right to require the State to prove his guilt beyond a reasonable doubt. (Sentencing Tr. 28-30). Appellant told the court that he understood that he was waiving each of these rights. (Sentencing Tr. 28-30). {¶24} A trial court need only substantially comply with Crim.R. 11(C)(2) pertaining to non-constitutional rights such as informing the defendant of "the nature of the charges with an understanding of the law in relation to the facts, the maximum penalty, and that after entering a guilty plea or a no contest plea, the court may proceed to judgment and sentence." *Martinez* at ¶ 12, citing Crim.R. 11(C)(2)(a)(b). Case No. 25 CO 0029 –7– {¶25} Here, the court explained the nature of each of the charges Appellant was facing. (Sentencing Tr. 16-19). It also explained the maximum sentences Appellant faced on each Count. (Sentencing Tr. 21-22). The court failed to inform Appellant that it could proceed immediately to judgment and sentence. However, Appellant does not take issue with this. Moreover, the trial court did not proceed immediately to sentencing. Instead, it scheduled Appellant's sentencing hearing for approximately a month later and indicated it would first review a presentence investigation. (Plea Tr. 37). Thus, the trial court substantially complied with Crim.R. 11(C)(2) by advising Appellant of his non- constitutional rights. {¶26} Appellant's main contention here is that the trial court made no effort to ensure that he was aware of the consequences of the withdrawn motion to suppress. {¶27} Regarding the motion to suppress, the following exchange took place: THE COURT: Thank you. Now, in the 652 case, Mr. Jackson, Attorney Dailey did file a motion to suppress on your behalf. And then filed a motion to - - or a notice of withdrawal of the motion to suppress. Are you aware of that? THE DEFENDANT: No. (Attorney-client confer off record.) THE COURT: I guess, the point of my question is - - Mr. Jackson - - is there was a motion to suppress filed on your behalf. And then a notice of withdrawing that motion. The point of withdrawing the motion or upshot is I will not need to decide that motion, it's been withdrawn from my consideration, perhaps, based upon the agreement reached in this case. I don't know. Do you understand that? THE DEFENDANT: Yes.

(Plea Tr. 11). Case No. 25 CO 0029 –8– {¶28} Shortly thereafter, the court asked Appellant: THE COURT: Did she [defense counsel] answer any questions you might have had about the plea agreements? If you had questions, Mr. Jackson, did Attorney Dailey answer them? THE DEFENDANT: Yes. THE COURT: All right. Do you have any questions you wish to ask me about the plea agreements? THE DEFENDANT: No, Your Honor. (Plea Tr. 12). {¶29} The record demonstrates that the court took the time to ensure Appellant was entering his plea knowingly and intelligently. When Appellant told the court he was unaware of the motion to suppress and its withdrawal, the court paused the proceedings so Appellant could confer with his counsel. The court then asked Appellant if his counsel had answered all of his questions. And the court provided Appellant with the opportunity to ask it questions. Nothing on the record indicates that Appellant’s plea was anything less than knowingly, intelligently, and voluntarily entered. {¶30} Accordingly, Appellant’s second assignment of error is without merit and is overruled. {¶31} For the reasons stated above, the trial court’s judgment is hereby affirmed. Waite, P.J., concurs. Robb, J., concurs. Case No. 25 CO 0029 [Cite as State v. Jackson, 2026-Ohio-1325.] For the reasons stated in the Opinion rendered herein, the assignments of error are overruled and it is the final judgment and order of this Court that the judgment of the Court of Common Pleas of Columbiana County, Ohio, is affirmed. Costs to be waived. A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

NOTICE TO COUNSEL

This document constitutes a final judgment entry.