

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT, PORTAGE COUNTY

State v. Ickes

2026-Ohio-784 · No. 2025-P-0028 · Decided March 9, 2026

SUMMARY

The Eleventh District Court of Appeals of Ohio affirmed Hugh B. Ickes III's convictions for felony operating a vehicle under the influence and driving under suspension. The court held that the trial court was not required to advise him before accepting his no-contest pleas that uncounseled prior convictions could not be used to enhance the offenses, and that he failed to demonstrate prejudice.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District, Portage County
WRITING FOR THE COURT	Scott Lynch; Matt Lynch; Eugene A. Lucci
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Portage County
DECIDED	March 9, 2026
DOCKET	2025-P-0028
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ickes appealed his felony OVI and misdemeanor driving-under-suspension convictions after entering no contest pleas in the Portage County Court of Common Pleas.
STANDARD OF REVIEW	A plea will not be vacated for nonconstitutional Crim.R. 11 error absent an affirmative showing of prejudice; prejudice requires demonstrating that the defendant would not have entered the plea but for the alleged deficiency.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Hugh B. Ickes, III v. State of Ohio

TOPICS

- criminal procedure
- plea bargaining
- right to counsel
- sentencing
- appellate procedure

PRACTICE AREAS

- criminal procedure
- plea practice
- OVI sentencing enhancement
- appellate procedure

QUESTIONS PRESENTED

1. Whether a no contest plea is invalid because the trial court did not advise the defendant before the plea that prior uncounseled convictions could not be used to enhance the degree or punishment of the current OVI offenses.
2. Whether the State was required, because the defendant entered no contest pleas, to prove that the prior OVI convictions were counseled or involved a valid waiver of counsel.
3. Whether the alleged plea deficiencies prejudiced the defendant so as to require vacatur of the pleas.

HOLDINGS

1. Crim.R. 11 does not require a trial court to advise a defendant before accepting a plea that prior uncounseled convictions cannot be used to enhance the degree or punishment of the current offense, and Ickes identified no authority establishing such a requirement.
2. The State generally need not prove facts concerning prior convictions used for enhancement, including representation by counsel or a valid waiver, unless the defendant first disputes the convictions and makes a prima facie showing that they were uncounseled.
3. Ickes was not entitled to have his pleas vacated because he failed to affirmatively demonstrate prejudice, including that he would not have entered the pleas but for the alleged incomplete explanation.

KEY QUOTATIONS

“However, Ickes cites no authority for the proposition that a defendant must be advised that uncounseled convictions cannot be used to enhance an offense prior to entering a plea to that offense.” (¶ 10)

“Since he can point to nothing in the record to show that is the case, we find no prejudice.” (¶ 15)

FACTUAL BACKGROUND

Ickes was indicted for two felony OVI offenses and driving under suspension. The OVI counts alleged that he had at least five prior equivalent offenses within the preceding twenty years. He entered no contest pleas after the trial court explained the charges, potential penalties, and constitutional rights, and he stipulated to the findings of fact and guilt. The trial court imposed consecutive prison terms totaling five years for the OVI counts and a concurrent jail term for driving under suspension.

PROCEDURAL HISTORY

A Portage County grand jury indicted Ickes on two third-degree felony OVI counts and one first-degree misdemeanor driving-under-suspension count, with specifications alleging five or more equivalent prior offenses within twenty years. Ickes entered no contest pleas after the trial court explained the charges, penalties, and waived rights, and stipulated to the factual findings and guilt. The trial court imposed consecutive prison terms of three years and two years for the OVI counts and a concurrent 180-day jail term for driving under suspension. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Engle, 74 Ohio St.3d 525, 527 (1996)
- State v. McDaniel, 2020-Ohio-7003, ¶ 11 (11th Dist.)
- State v. Dangler, 2020-Ohio-2765, ¶¶ 2, 11, 13-16
- State v. Baiduc, 2007-Ohio-4963, ¶¶ 11-16 (11th Dist.)
- State v. Brandon, 45 Ohio St.3d 85 (1989), syllabus
- State v. Thompson, 2009-Ohio-314, ¶ 7
- State v. Wilson, 2018-Ohio-902, ¶¶ 46-47 (11th Dist.)
- State v. Bird, 81 Ohio St.3d 582, 584 (1998)
- State v. Edwards, 2022-Ohio-465, ¶ 7 (8th Dist.)
- Hayward v. Summa Health Sys., 2014-Ohio-1913, ¶ 26

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