

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT, MARION
COUNTY

State v. Pope

2026-Ohio-619 · No. 9-25-23 · Decided February 23, 2026

SUMMARY

The Ohio Third District Court of Appeals reviewed Ernest Pope’s conviction and sentence for possession of cocaine after a no-contest plea. The court rejected his ineffective-assistance and involuntary-plea claims but reversed and remanded for the limited purpose of properly advising him about postrelease control at the sentencing hearing.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District, Marion County
WRITING FOR THE COURT	Juergen A. Waldick; William R. Zimmerman; Mark C. Miller
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Marion County
DECIDED	February 23, 2026
DOCKET	9-25-23
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Pope appealed his felony possession-of-cocaine conviction and prison sentence, challenging the effectiveness of trial counsel, the validity of his no-contest plea, and the trial court's failure to advise him about mandatory postrelease control at sentencing.
STANDARD OF REVIEW	Ineffective-assistance claims require proof of deficient performance and prejudice. A no-contest plea is reviewed for compliance with Crim.R. 11(C) and whether the plea was knowing, intelligent, and voluntary. The postrelease-control issue was reviewed for compliance with the legal requirement that the trial court advise the offender at the sentencing hearing.
PRECEDENTIAL VALUE	published
PARTIES	Ernest Pope v. State of Ohio

TOPICS

suppression of evidence

ineffective assistance

criminal procedure

sentencing

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to more specifically challenge the credibility of the officer who initiated the traffic stop.
2. Whether Pope's no-contest plea was not knowing, intelligent, and voluntary because counsel allegedly failed to discuss the plea adequately and Pope initially misunderstood the mandatory nature of the prison term.
3. Whether the trial court was required to advise Pope about the term and mandatory nature of postrelease control at the sentencing hearing despite having addressed it at an earlier plea hearing and included it in the judgment entry.

HOLDINGS

1. Pope failed to establish ineffective assistance of counsel because the record did not show deficient performance or a reasonable probability that a more expansive suppression motion challenging the officer's credibility would have succeeded.
2. Pope's no-contest plea was knowing, intelligent, and voluntary, and he failed to establish a violation of Crim.R. 11(C) or prejudice warranting withdrawal of the plea.
3. The trial court erred by failing to advise Pope at the sentencing hearing of the term and mandatory nature of postrelease control and the consequences of violating it.

KEY QUOTATIONS

“The trial court must advise the offender at the sentencing hearing of the term of supervision, whether postrelease control is discretionary or mandatory, and the consequences of violating postrelease control.” (¶ 27)

“To establish ineffective assistance of counsel, the appellant “must show (1) deficient performance by counsel, i.e., performance falling below an objective standard of reasonable representation, and (2) prejudice, i.e., a reasonable probability that, but for counsel’s errors, the proceeding’s result would have been different.”” (¶ 10)

FACTUAL BACKGROUND

Pope was a backseat passenger in a vehicle stopped for a traffic violation after an officer observed that the vehicle failed to signal at least 100 feet before turning. During the stop, Pope repeatedly reached toward his pockets or waist despite commands to keep his hands visible, prompting officers to draw firearms and then tasers and remove him from the vehicle. A search uncovered approximately 53 grams of cocaine and a nitrile glove. After the suppression motion was denied, Pope entered a negotiated no-contest plea and received a mandatory indefinite prison sentence.

PROCEDURAL HISTORY

Pope was charged in the Marion County Common Pleas Court with first-degree-felony possession of cocaine. The trial court denied his motion to suppress, accepted his negotiated no-contest plea after a Crim.R. 11 hearing, and sentenced him to a mandatory indefinite prison term of nine to thirteen and one-half years. The Court of Appeals affirmed the ineffective-assistance and plea claims but reversed and remanded for the limited purpose of advising Pope about postrelease control at the sentencing hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for the limited purpose of providing the required postrelease-control notification at the sentencing hearing, including the term of supervision, whether it is mandatory or discretionary, and the consequences of violating it.

CASES CITED

- State v. Cartlidge, 2020-Ohio-3615, ¶ 39 (3d Dist.)
- State v. Tench, 2018-Ohio-5205, ¶ 264
- State v. Radabaugh, 2024-Ohio-5640, ¶ 51
- State v. Conway, 2006-Ohio-791, ¶ 165
- State v. Madrigal, 87 Ohio St. 3d 378, 389, 2000-Ohio-448
- State v. Thompson, 2021-Ohio-2979, ¶ 14 (3d Dist.)
- State v. McClellan, 2010-Ohio-314, ¶ 38 (3d Dist.)
- State v. Dangler, 2020-Ohio-2765, ¶ 10
- State v. Nero, 56 Ohio St. 3d 106, 108 (1990)
- State v. Bates, 2022-Ohio-475, ¶ 11
- State v. Thomas, 2026-Ohio-20, ¶ 56 (6th Dist.)