

TWELFTH DISTRICT COURT OF APPEALS OF OHIO

State v. Paniagua

2025-Ohio-5800 · No. CA2025-03-009 · Decided December 30, 2025

SUMMARY

The Twelfth District Court of Appeals of Ohio reversed the denial of Efrain Paniagua’s postsentence motion to withdraw his guilty plea. The court held that his affidavit raised a colorable ineffective-assistance claim concerning counsel’s advice about presumptively mandatory deportation and warranted an evidentiary hearing. The court also held that res judicata did not bar the claim because it depended on evidence outside the trial record.

CASE DETAILS

COURT	Twelfth District Court of Appeals of Ohio
WRITING FOR THE COURT	M. Powell; Melena S. Siebert; Piper
JURISDICTION	Twelfth District Court of Appeals of Ohio, Madison County
DECIDED	December 30, 2025
DOCKET	CA2025-03-009
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed the denial, without an evidentiary hearing, of his postsentence Crim.R. 32.1 motion to withdraw his guilty plea based on alleged ineffective assistance concerning immigration consequences.
STANDARD OF REVIEW	A postsentence motion to withdraw a guilty plea under Crim.R. 32.1 is reviewed for abuse of discretion. Whether an evidentiary hearing is required depends on whether the defendant's factual allegations, if accepted as true, would require withdrawal of the plea.
PRECEDENTIAL VALUE	Published intermediate appellate decision; precedential within the Twelfth District of Ohio subject to higher-court authority.
PARTIES	Efrain V. Paniagua v. State of Ohio

TOPICS

- plea bargaining
- ineffective assistance
- criminal immigration
- post-conviction relief
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Paniagua's postsentence motion to withdraw his guilty plea without an evidentiary hearing when his affidavit alleged that counsel failed to advise him of presumptively mandatory deportation.
2. Whether the trial court's statutory immigration warning under R.C. 2943.031(A) and its inquiry whether Paniagua had discussed immigration consequences with counsel conclusively defeated his ineffective-assistance claim.
3. Whether res judicata barred Paniagua's Crim.R. 32.1 claim because the alleged ineffective assistance could have been raised on direct appeal.

HOLDINGS

1. The trial court abused its discretion by denying the motion without an evidentiary hearing because Paniagua's affidavit alleged facts that, if accepted as true, could establish ineffective assistance of counsel and a manifest injustice warranting withdrawal of the guilty plea.
2. Counsel was constitutionally obligated to advise Paniagua that his guilty plea to a controlled-substance offense would make deportation presumptively mandatory because the consequence was clear from the removal statute.
3. The court did not decide whether Paniagua's conviction independently constituted an aggravated felony under 8 U.S.C. § 1227(a)(2)(A)(iii); because the controlled-substance ground made deportation presumptively mandatory, the aggravated-felony issue was unnecessary to the disposition.
4. Res judicata did not bar Paniagua's claim because his affidavit supplied cogent evidence outside the original trial record concerning what advice counsel provided and alleged that he first learned deportation was presumptively mandatory after the time for a direct appeal.

KEY QUOTATIONS

"The severity of deportation . . . only underscores how critical it is for counsel to inform her noncitizen client that he faces a risk of deportation." (¶ 15)

"It is counsel's duty, not the court's, to warn of certain immigrations consequences, and counsel's failure cannot be saved by a plea colloquy." (¶ 23)

"The trial court's advisement under R.C. 2943.031(A) also does not cure an attorney's failure to advise his client of the immigration consequences of a guilty plea." (¶ 24)

"Because the facts alleged by appellant, if accepted as true, might support granting appellant's motion to withdraw his plea, we find the trial court abused its discretion in denying appellant's motion to withdraw his guilty plea without holding a hearing." (¶ 26)

FACTUAL BACKGROUND

Paniagua, a Mexican citizen who moved to the United States as a child and whose close family members reside in the United States, was charged after police found 22 kilograms of narcotics in a vehicle in which he was a passenger. He pleaded guilty to second-degree aggravated possession of drugs in exchange for dismissal of a major drug offender specification and received a five-to-seven-and-one-half-year indefinite sentence. Although the trial court gave the statutory immigration warning, Paniagua later averred that counsel never advised him that deportation based on the controlled-substance conviction would be presumptively mandatory and that he would not have pleaded guilty had he known.

PROCEDURAL HISTORY

Paniagua pleaded guilty in the Madison County Court of Common Pleas to second-degree-felony aggravated possession of drugs after the State dismissed a major drug offender specification. He was sentenced to an indefinite term of five to seven and one-half years. More than three years later, he moved to withdraw his plea, asserting that counsel failed to advise him that his conviction would make deportation presumptively mandatory. The trial court denied the motion without an evidentiary hearing and held that the claim was barred by res judicata. The Twelfth District reversed and remanded for an evidentiary hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Madison County Court of Common Pleas must hold an evidentiary hearing on Paniagua's ineffective-assistance claim concerning counsel's advice about the immigration consequences of the guilty plea.

CASES CITED

- State v. Tapia-Cortes, 2016-Ohio-8101 (12th Dist.)
- State v. Ayesta, 2015-Ohio-1695 (8th Dist.)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Williams, 2013-Ohio-1387 (12th Dist.)
- Padilla v. Kentucky, 559 U.S. 356 (2010)
- Barbosa v. Garland, 70 F.4th 1080, 1082 (8th Cir. 2023)
- State v. Kurdi, 2022-Ohio-4459 (11th Dist.)
- State v. Taveras, 2017-Ohio-1496 (12th Dist.)
- State v. Adames, 2017-Ohio-4058 (5th Dist.)
- State v. Romero, 2019-Ohio-1839 (12th Dist.)
- State v. Wagers, 2012-Ohio-2258 (12th Dist.)
- State v. Szefcyk, 1996-Ohio-337
- State v. Hagens, 2025-Ohio-4989 (12th Dist.)
- State v. Daniels, 2019-Ohio-2274 (12th Dist.)

- State v. Francis, 2004-Ohio-6894, ¶ 20
- United States v. Urias-Marrufo, 744 F.3d 361, 369 (5th Cir. 2014)
- United States v. Kayode, 777 F.3d 719, 728 (5th Cir. 2014)
- State v. Kapper, 5 Ohio St.3d 36, 38 (1983)
- State v. Jackson, 64 Ohio St.2d 107 (1980)
- State v. Miller, 2016-Ohio-7360, ¶ 14 (12th Dist.)

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