

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, WILLIAMS
COUNTY

State v. Gill

2025-Ohio-5300 · No. WM-24-022 · Decided November 25, 2025

SUMMARY

The Ohio Sixth District Court of Appeals affirmed Daniel Gill’s convictions and sentences following his guilty pleas to rape of a minor with a sexually violent predator specification and gross sexual imposition. The court held that the trial court properly denied Gill’s presentence motion to withdraw his pleas, that his remote appearance did not constitute plain error under Crim.R. 43, and that the consecutive-sentence findings were supported by the record.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Williams County
WRITING FOR THE COURT	Charles E. Sulek, Presiding Judge; Gene A. Zmuda, Judge; Myron C. Duhart, Judge
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Williams County
DECIDED	November 25, 2025
DOCKET	WM-24-022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gill appealed his convictions and sentences after pleading guilty to rape of a minor with a sexually violent predator specification and gross sexual imposition.
STANDARD OF REVIEW	The denial of a presentence motion to withdraw a guilty plea is reviewed for abuse of discretion. Unpreserved objections to a defendant's remote appearance are reviewed for plain error. Felony sentences are reviewed under R.C. 2953.08(G)(2), requiring the appellate court to determine whether the record clearly and convincingly fails to support the statutory sentencing findings or whether the sentence is otherwise contrary to law.
PRECEDENTIAL VALUE	published
PARTIES	Daniel Gill v. State of Ohio

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Gill's presentence motion to withdraw his guilty plea.
2. Whether Gill's remote appearance at the plea hearing violated Crim.R. 43 or his constitutional right to be present because the trial court did not obtain an adequate waiver or explain how he could privately communicate with counsel.
3. Whether the trial court failed to make the findings required by R.C. 2929.14(C)(4) before imposing consecutive sentences.

HOLDINGS

1. The trial court did not abuse its discretion in denying Gill's presentence motion to withdraw his guilty plea because it conducted a full hearing, considered the relevant factors, and reasonably found that Gill's request was based only on a change of heart rather than a reasonable and legitimate basis.
2. Any violation of Crim.R. 43 arising from the trial court's failure to explain the procedure for private attorney-client communication was not plain error because Gill failed to show a reasonable probability that the omission affected the outcome or rendered his plea involuntary.
3. The consecutive sentences were not contrary to law because the trial court made, at the sentencing hearing and in the judgment entry, the findings required by R.C. 2929.14(C)(4), including the finding that the offenses were part of a course of conduct and caused harm so great or unusual that a single prison term would not adequately reflect the seriousness of the conduct.

KEY QUOTATIONS

"Nevertheless, it must be recognized that a defendant does not have an absolute right to withdraw a plea prior to sentencing." (§ 18)

"A mere change of heart is not a sufficient reason to permit withdrawal of a plea." (§ 28)

"the court may permit the remote presence and participation of a defendant if all of the following apply:" (§ 35)

"Although it did not parrot the words of the statute, the trial court considered Gill's course of conduct and his multiple offenses and dutifully found that the harm was so great or serious that a single prison term did not adequately reflect the seriousness of his offenses." (§ 47)

FACTUAL BACKGROUND

Gill was indicted on numerous sex offenses involving minor victims and faced a mandatory sentence of life imprisonment without parole on the rape counts with a sexually violent predator specification. After approximately two months of plea negotiations, he appeared by video, consented through counsel to the remote plea proceeding, and pleaded guilty to one rape count with a specification and one count of gross sexual imposition in exchange for dismissal of the remaining charges. Before sentencing, Gill sought to withdraw his plea, claiming that he had been rushed and pushed into accepting it, but the trial court determined that he was merely experiencing a change of heart. The court imposed consecutive sentences of life without parole and 54 months.

PROCEDURAL HISTORY

A Williams County grand jury indicted Gill on 25 counts of rape of a minor, two counts of gross sexual imposition, and one count of importuning, with sexually violent predator specifications attached to the rape and gross-sexual-imposition counts. Pursuant to a plea agreement, Gill pleaded guilty to one rape count with a specification and one gross-sexual-imposition count, and the remaining counts and specifications were dismissed at sentencing. The trial court denied Gill's presentence motion to withdraw his guilty plea, imposed consecutive sentences of life without parole and 54 months, and the Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Xie, 62 Ohio St.3d 521 (1992)
- State v. Williams, 2025-Ohio-4352, ¶ 43 (6th Dist.)
- State v. Adams, 62 Ohio St.2d 151, 157 (1980)
- State v. Warren, 2024-Ohio-1072, ¶¶ 24-25 (6th Dist.)
- State v. Dellinger, 2002-Ohio-4652, ¶ 18 (6th Dist.)
- State v. Fish, 104 Ohio App.3d 236, 240 (1st Dist. 1995)
- State v. Hartman, 2018-Ohio-4452, ¶ 14 (6th Dist.)
- State v. Williams, 2016-Ohio-4905, ¶¶ 13, 18 (6th Dist.)
- State v. Gross, 2022-Ohio-2434, ¶ 9
- State v. Acosta, 2016-Ohio-5698, ¶ 18
- State v. Howard, 2012-Ohio-4747, ¶ 7 (2d Dist.)
- State v. Ahreshien, 2021-Ohio-1223, ¶¶ 20-23 (6th Dist.)
- State v. Echols, 2024-Ohio-5088, ¶ 50
- State v. Knuff, 2024-Ohio-902, ¶ 117
- State v. Clayton, 62 Ohio St.2d 45, 47 (1980)
- State v. Long, 53 Ohio St.2d 91 (1978)
- State v. Hale, 2008-Ohio-3426, ¶ 100

- Snyder v. Massachusetts, 291 U.S. 97, 107-108 (1934)
- Malloy v. Hogan, 378 U.S. 1, 17 (1964)
- State v. Beasley, 2018-Ohio-493, ¶ 252
- State v. Sprague, 2023-Ohio-4343, ¶ 17 (6th Dist.)
- State v. Jones, 2024-Ohio-1083, ¶ 11
- State v. Bonnell, 2014-Ohio-3177, ¶ 37
- State v. Johnson, 2021-Ohio-2254, ¶ 13 (6th Dist.)
- State v. Elmore, 2016-Ohio-890, ¶ 48 (7th Dist.)
- State v. Hargrove, 2015-Ohio-3125, ¶ 19 (10th Dist.)

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