

OHIO COURT OF APPEALS, SECOND APPELLATE DISTRICT

State v. Hall

2022 Ohio 3455 (Ohio Ct. App. 2022) · No. 2021-CA-37 · Decided September 30, 2022

SUMMARY

The Second District Court of Appeals of Ohio affirmed Daryl A. Hall’s convictions for violating a civil-protection order after no-contest pleas. The court held that the pleas rendered pending motions to dismiss and suppress moot and that Hall could not collaterally attack the validity of the protection order in the criminal proceedings. The court also concluded that the pleas admitted the facts alleged in the complaints and that no evidentiary basis supported Hall’s due-process claim.

CASE DETAILS

COURT	Ohio Court of Appeals, Second Appellate District
WRITING FOR THE COURT	Tucker, P.J.; Epley, J.; Lewis, J.
JURISDICTION	Ohio
DECIDED	September 30, 2022
DOCKET	2021-CA-37
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hall appealed his municipal-court convictions for violating a civil-protection order after entering no-contest pleas in two cases.
STANDARD OF REVIEW	The court reviewed the claimed error for abuse of discretion and plain error as framed by Hall, but concluded that the no-contest pleas rendered the motions moot and that the due-process challenge was not properly reviewable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Daryl A. Hall v. State of Ohio

TOPICS

- criminal procedure
- appellate procedure
- due process
- suppression of evidence
- preservation of error

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law

QUESTIONS PRESENTED

1. Whether the trial court erred by accepting Hall's no-contest pleas without ruling on his pending motions to dismiss and suppress.
2. Whether Hall could challenge the validity of the underlying civil-protection order for lack of notice in the criminal prosecutions for violating that order.
3. Whether Hall's no-contest pleas permitted him to contest the legal sufficiency of the evidence based on the alleged invalidity of the protection order.

HOLDINGS

1. The trial court did not err by accepting Hall's no-contest pleas without first ruling on the pending motions because a guilty or no-contest plea renders such motions moot and does not preserve an issue for appellate review.
2. Hall could not collaterally attack the validity of the protection order by asserting in the criminal cases that he lacked notice of the civil proceeding.
3. Hall's no-contest pleas constituted an admission of the truth of the facts alleged in the complaints and waived his ability to present his own factual allegations to establish his innocence or challenge the sufficiency of the evidence.

KEY QUOTATIONS

“a no-contest or guilty plea simply renders moot a pending motion to dismiss or motion to suppress” (¶ 7)

“Hall’s due-process argument constitutes an improper collateral attack on the protection order. He cannot challenge its validity in a criminal case involving his prosecution for violating it.” (¶ 8)

“The judgments of the Miami County Municipal Court are affirmed.” (¶ 12)

FACTUAL BACKGROUND

Hall was prosecuted for violating a civil-protection order in two municipal-court cases. He admitted that he had been served with and signed the protection order, but claimed that he had not received notice of the full hearing on the complainant's petition. While represented by counsel and incarcerated, he submitted documents characterized as motions to dismiss and suppress; he entered no-contest pleas before the trial court ruled on them.

PROCEDURAL HISTORY

Hall was charged in Miami County Municipal Court with violating a protection order and other offenses. He agreed to plead no contest to first-degree misdemeanor violations of the protection order in two cases in exchange for dismissal of other cases. The municipal court accepted the pleas, found him guilty, imposed and suspended 180-day jail sentences, placed him on community control, and imposed fines and costs. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Gard, 2d Dist. Montgomery No. 25727, 2014-Ohio-531, ¶¶ 9-13
- State v. Fletcher, 2d Dist. Montgomery Nos. 28829, 28830, 2021-Ohio-1515, ¶ 13
- State v. Ybarra, 5th Dist. Licking No. 16-CA-16, 2016-Ohio-5761, ¶¶ 11-13
- Westlake v. Patrick, 8th Dist. Cuyahoga No. 88198, 2007-Ohio-1307, ¶ 7
- State v. Leffler, 7th Dist. Columbiana No. 18 CO 0032, 2019-Ohio-3964, ¶ 36
- State v. Cole, 2d Dist. Montgomery No. 26576, 2015-Ohio-5295, ¶ 32
- Conneaut v. Babcock, 11th Dist. Ashtabula No. 2021-A-0045, 2022-Ohio-2101, ¶ 18