

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. Becks

2026-Ohio-1456 (Ohio Ct. App. 8th Dist. 2026) · No. 115653 · Decided April 23, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed Brianna Becks's conviction and rejected her claim that she received ineffective assistance of counsel during a hearing on her presentence motion to withdraw her guilty plea. The court held that Becks failed to show deficient performance under Strickland, finding no demonstrated conflict of interest or coercion and noting that counsel advocated for withdrawal of the plea.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Kathleen Ann Keough; Eileen T. Gallagher; Michael John Ryan
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	April 23, 2026
DOCKET	115653
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brianna Becks appealed from the Cuyahoga County Court of Common Pleas's denial of her presentence, day-of-sentencing motion to withdraw her guilty plea and subsequent sentence. She raised only an ineffective-assistance-of-counsel claim concerning the hearing on that motion.
STANDARD OF REVIEW	The court applied the two-part Strickland standard for ineffective assistance of counsel, requiring proof that counsel's performance fell below an objective standard of reasonable representation and that the deficient performance prejudiced the defense or deprived the defendant of a fair hearing.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Brianna Becks v. State of Ohio

TOPICS

ineffective assistance

right to counsel

plea bargaining

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Becks received ineffective assistance of counsel during the hearing on her presentence motion to withdraw her guilty plea.
2. Whether Becks demonstrated that a conflict of interest or coercion rendered counsel's representation objectively unreasonable and required appointment of new counsel.

HOLDINGS

1. Becks failed to establish ineffective assistance of counsel because the record did not show that counsel's performance fell below an objective standard of reasonable representation.
2. The record did not demonstrate that counsel's interests were adverse to Becks's interests or that counsel coerced her into pleading guilty; therefore, Becks was not entitled to relief based on an alleged conflict or presumed prejudice.

KEY QUOTATIONS

“The uncertainty associated with going to trial and the fear of being found guilty of, and sentenced on, more offenses (or more serious offenses) than the defendant would have been convicted of had he or she accepted a plea agreement is a motivation that underlies virtually all guilty pleas.”

“The fact that a defendant may have felt “pressured” to enter a guilty plea is not a sufficient basis upon which to withdraw a plea in the absence of evidence of coercion.”

“I just felt like I’m already proven to be guilty because I didn’t feel like he wanted to fight for me. He kept telling me that I was not going to jail. And I really wanted to tell my story.” (Tr. 34-35)

FACTUAL BACKGROUND

Becks was charged with endangering children and, on the day of trial, entered a plea agreement under which Count 1 was amended to attempted endangering children, a fourth-degree felony, and Count 2 was nolle. At sentencing, she sought to withdraw her guilty plea, explaining that she wanted to tell her side of the story and felt that counsel had not wanted to fight for her. Counsel nevertheless strongly advocated for withdrawal of the plea and addressed the relevant Crim.R. 32.1 factors. The plea colloquy showed that Becks understood the charge and rights waived, denied that threats or promises induced her plea, and stated that she was satisfied with counsel.

PROCEDURAL HISTORY

Becks was charged with two counts of endangering children. On the day of trial, she pleaded guilty to amended Count 1, attempted endangering children, and the State agreed to dismiss Count 2. About a week later, at

sentencing, she orally moved to withdraw her plea. After a hearing, the trial court denied the motion on September 18, 2025, and sentenced her to one year of community control. The Court of Appeals affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court is directed to execute the sentence. The court ordered a special mandate to issue, and any bail pending appeal is terminated.

CASES CITED

- State v. Woodard, 2019-Ohio-251, ¶ 29 (8th Dist.)
- State v. Simmons, 2016-Ohio-7709, ¶ 12 (8th Dist.)
- Strickland v. Washington, 466 U.S. 668, 686, 694 (1984)
- State v. Guffie, 2024-Ohio-2163, ¶ 89 (8th Dist.)
- State v. Hanna, 2002-Ohio-2221, ¶ 109
- State v. Bell, 2017-Ohio-7168, ¶ 23 (8th Dist.)
- State v. Foreman, 2015-Ohio-2259, ¶¶ 7-8 (1st Dist.)
- State v. Hall, 2025-Ohio-2153 (8th Dist.)
- State v. Pames, 2022-Ohio-616, ¶ 37 (8th Dist.)
- State v. Shaw, ¶ 6 (8th Dist.)
- State v. Thomas, 8th Dist. Cuyahoga No. 85294, 2005-Ohio-4145, ¶ 5
- State v. Kapper, 5 Ohio St.3d 36, 448 N.E.2d 823 (1983)
- State v. Barnes, 2022-Ohio-4486
- State v. Copeland, 2016-Ohio-1537, ¶ 40 (8th Dist.)

OPINION

PER CURIAM.

[Cite as State v. Becks, 2026-Ohio-1456.] COURT OF APPEALS OF OHIO EIGHTH APPELLATE DISTRICT COUNTY OF CUYAHOGA STATE OF OHIO,; Plaintiff-Appellee,; No. 115653 v.: BRIANNA BECKS,; Defendant-Appellant. JOURNAL ENTRY AND OPINION JUDGMENT: AFFIRMED RELEASED AND JOURNALIZED: April 23, 2026 Criminal Appeal from the Cuyahoga County Court of Common Pleas Case No. CR-23-679083-A Appearances: Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Caroline Maver, Assistant Prosecuting Attorney, for appellee.

P. Andrew Baker, for appellant. KATHLEEN ANN KEOUGH, J.: Defendant-appellant Brianna Becks contends on appeal that she was deprived of effective assistance of counsel during the

hearing on her presentence motion to withdraw her guilty plea. Finding no merit to the appeal, we overrule her assignment of error and affirm.

In 2023, the State charged Becks with endangering children in violation of R.C. 2919.22(A) (Count 1), a third-degree felony, and R.C. 2919.22(B)(1) (Count 2), a second-degree felony. On August 20, 2025, the day of trial, Becks entered into a plea agreement in which the State amended Count 1 to attempted endangering children in violation of R.C. 2923.02 and 2919.22(A), reducing the charge to a fourth-degree felony.

The State agreed to nolle Count 2. Approximately a week later at sentencing, Becks, through counsel, verbally requested to withdraw her plea. Following a hearing, the trial court took the matter under advisement to obtain a transcript of the plea hearing to give full consideration of Becks's request.

On September 18, 2025, the trial court denied Becks's motion, citing this court's decision in *State v. Pames*, 2022-Ohio-616 (8th Dist.), and sentenced her to one year of community control. Becks now appeals, raising as her sole assignment of error that she was deprived effective assistance of trial counsel during the hearing on her day-of- sentencing request to withdraw her plea.

She has not raised any argument challenging the trial court's denial of her presentence motion to withdraw her plea. U.S. Const., amend. VI and Ohio Const., art. I, § 10 provide that defendants in all criminal proceedings shall have the assistance of counsel for their defense. This court has held “that a criminal defendant has a right to counsel at a hearing on a presentence motion to withdraw a guilty plea because such a hearing is a critical stage of litigation.” *State v. Woodard*, 2019-Ohio-251, ¶ 29 (8th Dist.), quoting *State v. Simmons*, 2016-Ohio-7709, ¶ 12 (8th Dist.). “[T]he right to counsel is the right to effective assistance of counsel.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984).

Reversal of a conviction for ineffective assistance of counsel requires a defendant to show that counsel's performance was deficient and that the deficient performance prejudiced the defense, depriving the defendant of a fair trial or, in this case, a fair hearing. See *State v. Guffie*, 2024-Ohio-2163, ¶ 89 (8th Dist.), citing *State v. Hanna*, 2002-Ohio-2221, ¶ 109.

Deficient performance occurs when counsel's conduct falls below an objective standard of reasonable representation. *State v. Bell*, 2017-Ohio-7168, ¶ 23 (8th Dist.). Prejudice is found when “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland* at 694.

Becks contends that her trial counsel was ineffective because she and her counsel had a conflict of interest based on her allegation that she felt pressured by counsel to accept the plea. She advances

that because of the conflict, counsel should have withdrawn from representation and the court should have appointed her new counsel.

In support, she relies on the First District's decision in *State v. Foreman*, 2015-Ohio-2259 (1st Dist.), and asks that this court adopt its rationale that prejudice is presumed when counsel and the client have conflicting interests, thus necessarily requiring the appointment of new counsel when a motion to withdraw a guilty plea is based on that conflict. Despite this request, Becks acknowledges that this court in *State v. Hall*, 2025-Ohio-2153 (8th Dist.), recently declined to follow *Foreman*, finding it nonbinding, unpersuasive, and distinguishable.

We again find the same. In *Foreman*, the defendant, with the assistance of two attorneys, pleaded guilty to theft and nonsupport. Prior to sentencing, one of *Foreman*'s attorneys filed a motion to withdraw *Foreman*'s guilty pleas, contending that he did not enter knowing, intelligent, or voluntary guilty pleas because his father had unduly pressured him to plead to the charges, he had been denied discovery, and his attorneys had been dishonest with him.

At the hearing on the motion, counsel disagreed with *Foreman*'s accusation and assessment of his legal representation. Counsel advised the court that *Foreman* declined counsel's offer to request the court to appoint new counsel.

Moreover, during the hearing, *Foreman* did not extrapolate on his accusation regarding counsel's dishonesty. Accordingly, the trial court denied the motion. On appeal, *Foreman* argued that he received ineffective assistance of counsel during the hearing on his motion to withdraw his plea.

The First District agreed with *Foreman*, finding that his attorney had an interest adverse to his and thus ineffective assistance of counsel was "presumed." *Foreman*, 2015-Ohio-2259, ¶ 8 (1st Dist.). Specifically, the court noted, "No attorney could reasonably be expected to argue to a court that he or she had 'not been totally honest with' a client, thereby coercing the client into pleading guilty.

Such an argument could open an attorney to disciplinary action, and could possibly threaten his or her license." *Id.* at ¶ 7. At the outset, Becks never requested the trial court to appoint her new counsel. Moreover, unlike in *Foreman*, Becks did not accuse her counsel of being untruthful with her. During the colloquy with the court regarding her justification for wanting to withdraw her plea, Becks explained: I just felt like I'm already proven to be guilty because I didn't feel like he wanted to fight for me.

He kept telling me that I was not going to jail. And I really wanted to tell my story. I picked — I picked that because I obviously wasn't going to fight it. But I haven't gotten a refund from [her retained lawyer] who was my first lawyer who was supposed to give me a refund to get a new lawyer. So I am using a court-appointed lawyer, not one that I chose. But I do have a story, and I want everybody to hear it and to choose on what they hear if I'm innocent or guilty or not.

Just because somebody gave me a plea, I'm not going to take it. They find innocent or guilty. (Tr. 34-35.) In *Pames*, 2022-Ohio-616 (8th Dist.), this court stated: The uncertainty associated with going to trial and the fear of being found guilty of, and sentenced on, more offenses (or more serious offenses) than the defendant would have been convicted of had he or she accepted a plea agreement is a motivation that underlies virtually all guilty pleas.

The fact that a defendant may have felt “pressured” to enter a guilty plea is not a sufficient basis upon which to withdraw a plea in the absence of evidence of coercion.... To show coercion in the entry of a guilty plea, “an appellant must submit supporting material containing evidence that the guilty plea was induced by false promises.” [State v.] Shaw at ¶ 6 [(8th Dist.)], quoting *State v. Thomas*, 8th Dist.

Cuyahoga No. 85294, 2005-Ohio-4145, ¶ 5, citing *State v. Kapper*, 5 Ohio St.3d 36, 448 N.E.2d 823 (1983). *Id.* at ¶ 37. Based on her statements to the court, Becks’s desire to withdraw her plea was not so much because of any pressure she felt, but more about her wanting to tell her side of the story. Additionally, she did not articulate any specific basis as to why she felt pressured or why she believed her counsel was not going to “fight” for her.

Accordingly, unlike in *Foreman*, nothing in this record demonstrates that counsel’s interests were adverse to Becks and no allegations or evidence was advanced that counsel coerced her to plead guilty. Moreover, despite the accusation that counsel pressured Becks into pleading guilty, counsel strongly advocated for granting the day-of motion to withdraw Becks’s plea, without compromising any attorney-client relationship, or disparaging or discounting Becks’s beliefs or feelings.

He thoroughly addressed the relevant factors commonly considered when trial courts consider a Crim.R. 32.1 motion, including the timing of the motion, prejudice to the State, and his belief that Becks had a defense and that she claimed innocence. See generally *State v. Barnes*, 2022-Ohio-4486. Throughout the hearing, counsel stated that whether Becks understood the nature of the offenses, the possible penalties, and waiver of rights and whether she felt pressured rested solely in Becks’s mind and her beliefs, which he was unable to speculate.

Our review of the plea colloquy does not reveal any misunderstanding or hesitation by Becks to plead guilty to the amended endangering children charge. During the colloquy, she stated that she affirmatively understood the nature of the offenses and the rights she would be waiving by pleading guilty, including the right to have the State prove her guilty. Becks also stated that no one threatened or promised her anything beyond the plea agreement to induce her into entering the plea and that she was satisfied with her counsel.

Based on the foregoing, we find that Becks has failed to demonstrate the first prong of *Strickland* — that counsel’s performance fell below an objective standard of reasonable representation — to

prove that she was deprived of effective assistance of counsel. Failure to prove the first prong of Strickland is fatal to her appeal. See *State v. Copeland*, 2016-Ohio-1537, ¶ 40 (8th Dist.) (recognizing that the failure to prove one prong of the Strickland two-part test makes it unnecessary for a court to consider the other prong).

Accordingly, her assignment of error is overruled. Judgment affirmed. It is ordered that appellee recover from appellant costs herein taxed. The court finds there were reasonable grounds for this appeal. It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence. A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. KATHLEEN ANN KEOUGH, JUDGE EILEEN T. GALLAGHER, P.J., and MICHAEL JOHN RYAN, J., CONCUR