

[Cite as *State v. Rice*, 2007-Ohio-6192.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
**No. 89107**

---

**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**JAMES RICE**

DEFENDANT-APPELLANT

---

**JUDGMENT:  
REVERSED AND REMANDED**

---

Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CR-483495

**BEFORE:** Stewart, J., Sweeney, P.J., and Kilbane, J.

**RELEASED:** November 21, 2007

**JOURNALIZED:**

[Cite as *State v. Rice*, 2007-Ohio-6192.]

**ATTORNEY FOR APPELLANT**

Jonathan N. Garver  
The Brownhoist Building  
4403 St. Clair Avenue  
Cleveland, OH 44103-1125

**ATTORNEY FOR APPELLEE**

William D. Mason  
Cuyahoga County Prosecutor

BY: Scott Zarzycki  
Assistant County Prosecutor  
The Justice Center  
1200 Ontario Street  
8<sup>th</sup> Floor  
Cleveland, OH 44113

[Cite as *State v. Rice*, 2007-Ohio-6192.]  
MELODY J. STEWART, J.:

{¶ 1} Defendant-appellant James Rice appeals from his conviction on one count of drug trafficking, one count of endangering children, and one count of possession of criminal tools. He argues that the court failed to advise him of his rights before accepting his guilty plea and also failed to inform him that he would be subject to postrelease control.

{¶ 2} The state concedes that the court failed to advise appellant of his constitutional rights as required by Crim.R. 11. Our independent review of the record confirms the same. We therefore sustain the first assignment of error and vacate Rice's guilty plea. The second assignment of error is moot. See App.R. 12(A)(1)(c).

{¶ 3} This cause is reversed and remanded for proceedings consistent with this opinion.

It is, therefore, ordered that said appellant recover of said appellee his costs herein taxed.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MELODY J. STEWART, JUDGE

JAMES J. SWEENEY, P.J., and  
MARY EILEEN KILBANE, J., CONCUR