

[Cite as *State v. Shawar*, 2011-Ohio-392.]

IN THE COURT OF APPEALS OF GREENE COUNTY, OHIO

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 10CA0022
vs.	:	T.C. CASE NO. 08CR904
	:	
NIHAD SHAWAR	:	(Criminal Appeal from Common Pleas Court)
Defendant-Appellant	:	

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O P I N I O N

Rendered on the 28th day of January, 2011.

. . . . .

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GRADY, P.J.:

{¶ 1} Defendant, Nihad Shawar, was convicted on his plea of guilty of one count of engaging in a pattern of corrupt activity, R.C. 2923.32(A)(1). In exchange for Shawar's guilty plea, the State dismissed five other felony charges. The trial court imposed

a six year term of incarceration. Shawar appeals.

ASSIGNMENT OF ERROR

{¶ 2} "THE TRIAL COURT ERRED TO THE PREJUDICE OF THE DEFENDANT BY ACCEPTING A PLEA OF GUILTY TO A SOLE CHARGE OF ENGAGING IN A PATTERN OF CORRUPT ACTIVITY."

{¶ 3} R.C. 2923.32(A)(1) provides:

{¶ 4} "No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt."

{¶ 5} Shawar argues that the trial court erred when it accepted his guilty plea because the record fails to demonstrate what conduct on his part constituted a pattern of corrupt activity.

{¶ 6} A person is not criminally liable unless (1) that liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty the person is capable of performing, and (2) the person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section of the Revised Code defining the offense. R.C. 2901.21(A).

{¶ 7} "The plea of guilty is a complete admission of the defendant's guilt." Crim.R. 11(B)(1). "A plea of guilty differs in purpose and effect from a mere admission or an extrajudicial

confession; it is itself a conviction. Like a verdict of a jury it is conclusive. More is not required; the court has nothing to do but give judgment and sentence." *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, ¶15, quoting from *Kercheval v. United States* (1927), 274 U.S. 220, 223, 47 S.Ct. 582, 71 L.Ed. 1009.

{¶8} Being conclusive of the defendant's criminal liability for committing an offense, "a plea of guilty waives all appealable errors that may have occurred at trial, unless such errors prevented the defendant from entering a knowing and voluntary guilty plea."

*State v. Kidd*, Clark App. No. 03CA43, 2004-Ohio-6784, ¶11, citing *State v. Barnett* (1991), 73 Ohio App.3d 244; *State v. Kelley* (1991), 57 Ohio St.3d 127.

{¶9} Defendant does not contend that his guilty plea was less than knowing, intelligent, and voluntary. His contention is that the record fails to demonstrate that he committed the criminal offense to which he pled guilty. Defendant waived the right to argue the error he assigns on that basis, when he entered his guilty plea.

{¶10} The assignment of error is overruled. The judgment from which the appeal is taken will be affirmed.

FAIN, J. And FROELICH, J., concur.

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Hon. Stephen Wolaver