

As of March 8, 2006

OHIO SUPREME COURT CAPITAL DECISIONS

- 1) *State v. Leonard Jenkins* (1984), 15 Ohio St. 3d 164, 473 N.E.2d 264
- 2) *State v. Donald Maurer* (1984), 15 Ohio St. 3d 239, 473 N.E.2d 768
- 3) *State v. Billy Rogers I* (1985), 17 Ohio St. 3d 174, 478 N.E.2d 984
- 4) *State v. David Mapes* (1985) 19 Ohio St. 3d 108, 484 N.E.2d 140
- 5) *State v. Ernest Martin* (1985), 19 Ohio St. 3d 122, 483 N.E.2d 1157
- 6) *State v. Robert Buell* (1986), 22 Ohio St. 3d 124, 489 N.E.2d 795
- 7) *State v. Lewis Williams* (1986), 23 Ohio St. 3d 16, 490 N.E.2d 906
- Ⓜ8) *State v. Gary Johnson* (1986), 24 Ohio St. 3d 87, 494 N.E.2d 1061.
- Ⓜ9) *State v. Reginald Brooks* (1986), 25 Ohio St. 3d 144, 495 N.E.2d 407
- Ⓜ10) *State v. Sterling Barnes* (1986), 25 Ohio St. 3d 203, 495 N.E.2d 922
- 11) *State v. Jay D. Scott* (1986), 26 Ohio St. 3d 92, 497 N.E.2d 55
- ↕12) *State v. Billy Rogers II* (1986), 28 Ohio St. 3d 427, 504 N.E.2d 52
- 13) *State v. John Glenn* (1986), 28 Ohio St. 3d 451, 504 N.E.2d 701
- 14) *State v. David Steffen* (1987), 31 Ohio St. 3d 111, 509 N.E.2d 383
- 15) *State v. William Zuern* (1987), 32 Ohio St. 3d 56, 512 N.E.2d 585
- ↕Ⓜ16) *State v. Billy Rogers III* (1987), 32 Ohio St. 3d 70, 512 N.E.2d 581
- 17) *State v. John Byrd* (1987), 32 Ohio St. 3d 79, 512 N.E.2d 611
- Ⓜ18) *State v. John Stumpf* (1987), 32 Ohio St. 3d 95, 512 N.E.2d 598
- 19) *State v. Willie Jester* (1987), 32 Ohio St. 3d 147, 512 N.E.2d 962

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 ↕ Death sentence reversed by Ohio Supreme Court
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 ↕ Case reversed by Court of Appeals, reversed back by Ohio Supreme Court
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 + One sentence (two victims) was vacated and remanded for resentencing
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- 20) *State v. Alfred Morales* (1987), 32 Ohio St. 3d 252, 513 N.E.2d 267
- ↗21) *State v. Billy Penix* (1987), 32 Ohio St. 3d 369, 513 N.E.2d 744
- ↗22) *State v. Joseph Zuranski* (1987), 32 Ohio St. 3d 379, 513 N.E.2d 753
- ⊕23) *State v. Ronald Post* (1987), 32 Ohio St. 3d 380, 513 N.E.2d 754
- ↑24) *State v. Jeffrey Thompson* (1987), 33 Ohio St. 3d 1, 514 N.E.2d 407
- 25) *State v. Anthony Apanovitch* (1987), 33 Ohio St. 3d 19, 514 N.E.2d 394
- 26) *State v. Dewaine Poindexter* (1988), 36 Ohio St. 3d 1, 520 N.E.2d 568
- 27) *State v. Frank Spisak* (1988), 36 Ohio St. 3d 80, 521 N.E.2d 800
- 28) *State v. David Hamblin* (1988), 37 Ohio St. 3d 153, 524 N.E.2d 476
- 29) *State v. Alton Coleman* (1988), 37 Ohio St. 3d 286, 525 N.E.2d 792
- 30) *State v. Michael Beuke* (1988), 38 Ohio St. 3d 29, 526 N.E.2d 274
- 31) *State v. Allen Earl Holloway* (1988), 38 Ohio St. 3d 239, 527 N.E.2d 831
- 32) *State v. Joseph Clark* (1988), 38 Ohio St. 3d 252, 527 N.E.2d 844
- 33) *State v. Rhett DePew* (1988), 38 Ohio St. 3d 275, 528 N.E.2d 542
- 34) *State v. Debra Brown* (1988), 38 Ohio St. 3d 305, 528 N.E.2d 523
- 35) *State v. Donald Williams* (1988), 38 Ohio St. 3d 346, 528 N.E.2d 910
- ⊕↑36) *State v. Von Clark Davis* (1988), 38 Ohio St. 3d 361, 528 N.E.2d 925
- 37) *State v. Gregory Esparza* (1988), 39 Ohio St. 3d 8, 529 N.E.2d 192
- 38) *State v. Jerome Henderson* (1988), 39 Ohio St. 3d 24, 528 N.E.2d 1237
- ⊕Ⓜ39) *State v. Dale Johnston* (1988), 39 Ohio St. 3d 48, 529 N.E.2d 898
- 40) *State v. Danny Hooks* (1988), 39 Ohio St. 3d 67, 529 N.E.2d 429

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- 41) *State v. Daniel Bedford* (1988), 39 Ohio St. 3d 122, 529 N.E.2d 913
- 42) *State v. Paul Greer* (1988), 39 Ohio St. 3d 236, 530 N.E.2d 382
- Ⓞ43) *State v. Robert Van Hook* (1988), 39 Ohio St. 3d 256, 530 N.E.2d 883
- Ⓞ44) *State v. Billy Joe Sowell* (1988), 39 Ohio St. 3d 322, 530 N.E.2d 1294
- ☒45) *State v. Dwight Denson* (1988), 40 Ohio St. 3d 30, 531 N.E.2d 674
- ↕46) *State v. John Gillard* (1988), 40 Ohio St. 3d 226, 533 N.E.2d 272
- 47) *State v. Rommell Broom* (1988), 40 Ohio St. 3d 277, 533 N.E.2d 682
- Ⓞ48) *State v. Glenn Benner* (1988), II, 40 Ohio St. 3d 301, 533 N.E.2d 701
- 49) *State v. John Roe* (1989), 41 Ohio St. 3d 18, 535 N.E.2d 1351
- 50) *State v. William J. Bradley* (1989), 42 Ohio St. 3d 136, 538 N.E.2d 373
- 51) *State v. John R. Hicks* (1989), 43 Ohio St. 3d 72, 538 N.E.2d 1030
- ↑52) *State v. Jeffrey Lawrence* (1989), 44 Ohio St. 3d 24, 541 N.E.2d 451
- Ⓞ53) *State v. Frederick Dickerson* (1989), 45 Ohio St. 3d 206, 543 N.E.2d 1250
- 54) *State v. Alton Coleman* (1989), 45 Ohio St. 3d 298, 544 N.E.2d 622
- Ⓞ55) *State v. Richard Cooley, II* (1989), 46 Ohio St. 3d 20, 544 N.E.2d 895
- ↕56) *State v. Gary Johnson II* (1989), 46 Ohio St. 3d 96, 545 N.E.2d
- Ⓞ57) *State v. David Brewer* (1990), 48 Ohio St. 3d 50, 549 N.E.2d 491
- 58) *State v. Derrick Jamison* (1990), 49 Ohio St. 3d 182, 552 N.E.2d 180
- 59) *State v. Tony Powell* (1990), 49 Ohio St. 3d 255, 552 N.E.2d 191
- 60) *State v. Arthur Tyler* (1990), 50 Ohio St. 3d 24, 553 N.E.2d 576
- Ⓞ61) *State v. Samuel Moreland* (1990), 50 Ohio St. 3d 58, 552 N.E.2d 894

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- Ⓣ62) *State v. William Wickline* (1990), 50 Ohio St. 3d 114, 552 N.E.2d 913
- Ⓝ63) *State v. Wayne E. Heinish* (1990), 50 Ohio St. 3d 231, 553 N.E.2d 1026
- ↑64) *State v. Ediberto Huertas* (1991), 51 Ohio St. 3d 22, 553 N.E.2d 1058
- Ⓣ65) *State v. Gregory Lott* (1990), 51 Ohio St. 3d 160, 555 N.E.2d 293
- Ⓣ66) *State v. Reginald Jells* (1990), 53 Ohio St. 3d 22, 559 N.E.2d 464
- ↕67) *State v. Percy Hutton* (1990), 53 Ohio St. 3d 36, 559 N.E.2d 432
- 68) *State v. Larry Landrum* (1990), 53 Ohio St. 3d 107, 559 N.E.2d 710
- 69) *State v. Lee Seiber* (1990), 56 Ohio St. 3d 4, 564 N.E.2d 408
- 70) *State v. Andre Jackson* (1991), 57 Ohio St. 3d 29, 565 N.E.2d 549
- 71) *State v. Darryl Durr* (1991), 58 Ohio St. 3d 86, 568 N.E.2d 674
- 72) *State v. John Spirko* (1991), 59 Ohio St. 3d 1, 570 N.E.2d 229
- Ⓣ73) *State v. Mark Wiles* (1991), 59 Ohio St. 3d 71, 571 N.E.2d 97
- ↑74) *State v. Kevin Watson* (1991), 61 Ohio St. 3d 1, 572 N.E.2d 97
- 75) *State v. Melvin Bonnell* (1991), 61 Ohio St. 3d. 179, 573 N.E.2d 1082
- ↑76) *State v. Justin Claytor* (1991), 61 Ohio St. 3d 234, 574 N.E.2d 472
- Ⓣ77) *State v. Wayne Frazier* (1991), 61 Ohio St. 3d 247, 574 N.E.2d 483
- Ⓣ78) *State v. William Henry Smith* (1991), 61 Ohio St. 3d 284, 574 N.E.2d 510
- 79) *State v. William T. Montgomery* (1991), 61 Ohio St. 3d 410, 575 N.E.2d 167
- 80) *State v. George Franklin* (1991), 62 Ohio St. 3d 118, 580 N.E.2d 1
- 81) *State v. Ronald Dean Combs* (1991), 62 Ohio St. 3d 278, 581 N.E.2d 1071

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- 82) *State v. Raymond Davis* (1991), 62 Ohio St. 3d 326, 581 N.E.2d 1362
- 83) *State v. James Mills* (1992), 62 Ohio St. 3d 357, 582 N.E.2d 972
- 84) *State v. David Sneed* (1992), 63 Ohio St. 3d 3, 584 N.E.2d 1160
- ⤴ 85) *State v. Von Clark Davis* (1992), 63 Ohio St. 3d 44, 584 N.E.2d 1192
- 86) *State v. Derrick Evans* (1992), 63 Ohio St. 3d 231, 586 N.E.2d 1042
- 87) *State v. Warren Waddy* (1992), 63 Ohio St. 3d 424, 588 N.E.2d 819
- 88) *State v. Martin Rojas* (1992), 64 Ohio St. 3d 131, 592 N.E.2d 1376, 1992 Ohio 110
- 89) *State v. Clarence Carter* (1992), 64 Ohio St. 3d 218, 594 N.E.2d 595, 1992 Ohio 127
- ⤴ 90) *State v. John Gillard* (1992), 64 Ohio St. 3d 304, 595 N.E.2d 878, 1992 Ohio 48
- 891) *State v. Danny Hill* (1992), 64 Ohio St. 3d 313, 595 N.E.2d 884, 1992 Ohio 43
- 92) *State v. Jerry Lawson* (1992), 64 Ohio St. 3d 336, 595 N.E.2d 902, 1992 Ohio 47
- 893) *State v. Kenneth Richey* (1992), 64 Ohio St. 3d 353, 595 N.E.2d 915, 1992 Ohio 44
- 94) *State v. Derrick Cook* (1992), 65 Ohio St. 3d 516, 605 N.E.2d 70
- 95) *State v. Joseph Murphy* (1992), 65 Ohio St. 3d 554, 605 N.E.2d 884
- 96) *State v. Billy Slagle* (1992), 65 Ohio St. 3d 597, 605 N.E.2d 916
- 897) *State v. Elizabeth Green* (1993), 66 Ohio St. 3d 141, 609 N.E.2d 1253, 1993 Ohio 26
- ⤴ 98) *State v. Rayvon Taylor* (1993), 66 Ohio St. 3d 295, 612 N.E.2d 316
- 99) *State v. Shawn Hawkins* (1993), 66 Ohio St. 3d 339, 612 N.E.2d 1227

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- ®100) *State v. Thomas M. Keenan* (1993), 66 Ohio St. 3d 402, 613 N.E.2d 203
- 101) *State v. Charles Lorraine* (1993), 66 Ohio St. 3d 414, 613 N.E.2d 212
- Ⓢ102) *State v. Joe D'Ambrosio* (1993), 67 Ohio St. 3d 185, 616 N.E.2d 909, 1993 Ohio 170
- 103) *State v. Donald Lewis* (1993), 67 Ohio St. 3d 200, 616 N.E.2d 921, 1993 Ohio 181
- 104) *State v. Rosalie Grant* (1993), 67 Ohio St. 3d 465, 620 N.E.2d 50, 1993 Ohio 171
- 105) *State v. Eugene Woodard* (1993), 68 Ohio St. 3d 70, 623 N.E.2d 75, 1993 Ohio 241
- 106) *State v. Jerome Campbell* (1994), 69 Ohio St. 3d 38, 630 N.E.2d 339, 1994 Ohio 492
- Ⓢ107) *State v. Richard Fox* (1994), 69 Ohio St. 3d 183, 631 N.E.2d 124, 1994 Ohio 513
- 108) *State v. Michael Webb* (1994), 70 Ohio St. 3d 325, 638 N.E.2d 1023, 1994 Ohio 425
- 109) *State v. Jose Loza* (1994), 71 Ohio St. 3d 61, 641 N.E.2d 1082, 1994 Ohio 409, 410
- 110) *State v. Kevin Scudder* (1994), 71 Ohio St. 3d 263, 643 N.E.2d 524, 1994 Ohio 298
- ®111) *State v. Michael Johnson* (1994), 71 Ohio St. 3d 332, 643 N.E.2d 1098, 1994 Ohio 304
- Ⓢ112) *State v. John Simko* (1994), 71 Ohio St.3d 483, 644 N.E.2d 345, 1994 Ohio 350
- 113) *State v. Wilford Berry* (1995), 72 Ohio St.3d 354. 650 N.E.2d 433, 1995 Ohio 310

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- Ⓜ114) *State v. John Fautenberry* (1995), 72 Ohio St.3d 435, 650 N.E.2d 878, 1995 Ohio 209
- Ⓜ115) *State v. Juan Kinley* (1995), 72 Ohio St.3d 491, 651 N.E.2d 419, 1995 Ohio 279
- 116) *State v. Cedric Carter* (1995), 72 Ohio St.3d 545, 651 N.E.2d 965, 1995 Ohio 104
- Ⓜ↕117) *State v. Joseph D'Ambrosio II* (1995), 73 Ohio St.3d 141, 652 N.E.2d 710, 1995 Ohio 129
- 118) *State v. Clifford Williams* (1995), 73 Ohio St.3d 153, 652 N.E.2d 721, 1995 Ohio 275
- 119) *State v. Timothy Dunlap* (1995), 73 Ohio St.3d 308, 652 N.E.2d 988, 1995 Ohio 243
- 120) *State v. Richard Frazier* (1995), 73 Ohio St.3d 323, 652 N.E.2d 1000, 1995 Ohio 235
- 121) *State v. Mark Burke* (1995), 73 Ohio St.3d 399, 653 N.E.2d 242, 1995 Ohio 290
- 122) *State v. Darryl Gumm* (1995), 73 Ohio St.3d 413, 653 N.E.2d 253, 1995 Ohio 24
- 123) *State v. Jeffrey Hill* (1995), 73 Ohio St.3d 433, 653 N.E.2d 271, 1995 Ohio 287
- 124) *State v. Richard Joseph* (1995), 73 Ohio St.3d 450, 653 N.E.2d 285, 1995 Ohio 288
- 125) *State v. Jeffrey Lundgren* (1995), 73 Ohio St.3d 474, 653 N.E.2d 304, 1995 Ohio 227
- 126) *State v. Clarence Mack* (1995), 73 Ohio St.3d 502, 653 N.E.2d 329, 1995 Ohio 273
- 127) *State v. David Allen* (1995), 73 Ohio St.3d 626, 653 N.E.2d 675, 1995 Ohio 283

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- 128) *State v. William Garner* (1995), 74 Ohio St.3d 49,. 656 N.E.2d 623, 1995 Ohio 168
- 129) *State v. Ronald Phillips* (1995), 74 Ohio St.3d 72, 656 N.E.2d 643, 1995 Ohio 171
- 130) *State v. Michael Bies* (1996), 74 Ohio St.3d 320, 658 N.E.2d 754, 1996 Ohio 276
- Ⓜ131) *State v. Carroll Dean Pless* (1996), 74 Ohio St.3d 333, 658 N.E.2d 766, 1996 Ohio 102
- 132) *State v. Daniel Wilson* (1996), 74 Ohio St.3d 381, 659 N.E.2d 292, 1996 Ohio 103
- Ⓜ133) *State v. Gary Otte* (1996), 74 Ohio St.3d 555, 660 N.E.2d 711, 1996 Ohio 108
- 134) *State v. Andre Williams* (1996), 74 Ohio St.3d 569, 660 N.E.2d 724, 1996 Ohio 91
- 135) *State v. Michael Benge* (1996), 75 Ohio St.3d 136, 661 N.E.2d 1019, 1996 Ohio 227
- ↑136) *State v. Antonio Brooks* (1996), 75 Ohio St.3d 148, 661 N.E.2d 1030, 1996 Ohio 134
- 137) *State v. Genesis Hill* (1996), 75 Ohio St.3d 195, 661 N.E.2d 1068, 1996 Ohio 222
- 138) *State v. Jeffrey Wogenstahl* (1996), 75 Ohio St.3d 344, 662 N.E.2d 311, 1996 Ohio 219
- 139) *State v. Jerry Allard* (1996), 75 Ohio St.3d 482, 663 N.E.2d 1277, 1996 Ohio 208
- 140) *State v. Wiley Davis* (1996), 76 Ohio St.3d 107, 666 N.E.2d 1099, 1996 Ohio 414
- 141) *State v. Tyrone Ballew* (1996), 76 Ohio St.3d 244, 667 N.E.2d 369, 1996 Ohio 81

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- 142) *State v. Abdul Awkal* (1996), 76 Ohio St. 3d 324, 667 N.E.2d 960, 1996 Ohio 395
- ③143) *State v. John Eley* (1996), 77 Ohio St. 3d 174, 672 N.E.2d 640, 1996 Ohio 323
- 144) *State v. Michael Taylor* (1997), 78 Ohio St.3d 15, 676 N.E. 2d 82, 1997 Ohio 243
- 145) *State v. Kenneth Biros* (1997), 78 Ohio St.3d 426, 678 N.E.2d 891, 1997 Ohio 204
- ↕146) *State v. John Gillard* (1997), 78 Ohio St. 3d 548, 679 N.E.2d 276, 1997 Ohio 183
- 147) *State v. Willie Williams* (1997), 79 Ohio St. 3d 1, 679 N.E.2d 646, 1997 Ohio 407
- 148) *State v. Warren Hennes* (1997), 79 Ohio St. 3d 53, 679 N.E.2d 686, 1997 Ohio 405
- 149) *State v. Adremey Dennis* (1997), 79 Ohio St. 3d 421, 683 N.E.2d 1096, 1997 Ohio 372
- 150) *State v. Kevin Keith* (1997), 79 Ohio St. 3d 514, 684 N.E.2d 47, 1997 Ohio 367
- 151) *State v. Kenneth W. Smith* (1997), 80 Ohio St.3d 89, 684 N.E. 2d 668, 1997 Ohio 355**
- 152) *State v. Roderick Davie* (1997), 80 Ohio St.3d 311, 686 N.E. 2d 245, 1997 Ohio 341
- 153) *State v. Dennis McGuire* (1997), 80 Ohio St.3d 390, 686 N.E. 2d 1112, 1997 Ohio 335
- 154) *State v. Donald L. Palmer, Jr.* (1997), 80 Ohio St.3d 543, 687 N.E. 2d 685, 1997 Ohio 312
- 155) *State v. Lawrence Reynolds* (1998), 80 Ohio St.3d 670, 687 N.E. 2d 1358, 1998 Ohio 171

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- 156) *State v. Lee Edward Moore* (1998), 81 Ohio St.3d 22, 689 N.E. 2d 1, 1998 Ohio 441
- Ⓜ157) ***State v. Kenneth Green* (1998), 81 Ohio St.3d 100, 698 N.E.2d 556, 1998 Ohio 454**
- ↕158) *State v. Thomas Keenan* (1998), 81 Ohio St.3d 133, 689 N.E.2d 929, 1998 Ohio 459
- 159) *State v. Harry Mitts* (1998), 81 Ohio St.3d 223, 690 N.E. 2d 522, 1998 Ohio 635
- Ⓜ160) *State v. Warren Spivey* (1998), 81 Ohio St.3d 405, 692 N.E. 2d 151, 1998 Ohio 437
- Ⓜ161) *State v. Marvelous Keene* (1998), 81 Ohio St. 3d 646, 693 N.E. 2d 246, 1998 Ohio 342
- 162) ***State v. Maxwell White* (1998), 82 Ohio St.3d 16, 693 N.E. 2d 772, 1998 Ohio 363**
- 163) *State v. James Goff* (1998), 82 Ohio St.3d 123, 694 N.E. 2d 916, 1998 Ohio 369
- 164) *State v. Maurice Mason* (1998) 82 Ohio St.3d 144, 694 N.E. 2d 932, 1998 Ohio 370
- 165) ***State v. Gerald Clemons* (1998) 82 Ohio St.3d 438, 696 N.E.2d 1009, 1998 Ohio 406**
- 166) ***State v. Walter Raglin* (1998) 83 Ohio St.3d 253, 699 N.E.2d 482, 1998 Ohio 110**
- 167) *State v. Freddie McNeill, Jr.* (1998), 83 Ohio St.3d 438, 700 N.E. 2d 596, 1998 Ohio 293
- 168) ***State v. Jason Getsy* (1998), 84 Ohio St.3d 180, 702 N.E. 2d 866, 1998 Ohio 533**
- 169) *State v. Bobby Sheppard* (1998), 84 Ohio St.3d 230, 703 N.E. 2d 286, 1998 Ohio 323

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- 170) *State v. Michael Goodwin* (1999), 84 Ohio St. 3d 331, 703 N.E. 2d 1251, 1999 Ohio 356
- 171) ***State v. John Stojetz* (1999) 84 Ohio St.3d 452, 705 N.E. 2d 329, 1999 Ohio 464**
- 172) **Ⓢ***State v. Herman Dale Ashworth* (1999), 85 Ohio St.3d 56, 706 N.E. 2d 1231, 1999 Ohio 204
- 173) ***State v. Timothy Coleman* (1999), 85 Ohio St.3d 129, 707 N.E. 2d 476, 1999 Ohio 258**
- 174) **Ⓢ** *State v. Johnny Baston* (1999), 85 Ohio St.3d 418, 709 N.E. 2d 128 , 1999 Ohio 280
- 175) ***State v. Clifton White* (1999), 85 Ohio St.3d 433, 709 N.E. 2d 140, 1999 Ohio 281**
- 176) *State v. Gregory L. Bey* (1999), 85 Ohio St.3d 487, 709 N.E. 2d 484, 1999 Ohio 283
- 177) *State v. Davel Chinn* (1999), 85 Ohio St.3d 548, 709 N.E.2d 1166, 1999 Ohio 288
- 178) **Ⓢ** *State v. James Filiaggi* (1999), 86 Ohio St.3d 230, 714 N.E.2d 867, 1999 Ohio 99
- 179) ***State v. Antonio Fears* (1999), 86 Ohio St.3d 329, 715 N.E.2d 136, 1999 Ohio 111**
- 180) ***State v. Sidney Cornwell* (1999), 86 Ohio St.3d 560, 715 N.E.2d 1144, 1999 Ohio 125**
- 181) *State v. Richard Bays* (1999), 87 Ohio St3d 15, 716 N.E.2d 1126, 1999 Ohio 216
- 182) ***State v. Jesse James Cowans* (1999) 87 Ohio St3d 68, 717 N.E.2d 298, 1999 Ohio 250**
- 183) ***State v. James O'Neill* (2000), 87 Ohio St.3d 402, 721 N.E.2d 73, 2000 Ohio 449**

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- 184) **State v. Jamie Madrigal (2000), 87 Ohio St.3d 378, 721 N.E.2d 52, 2000 Ohio 448**
- 185) *State v. Robert Smith (2000) 87 Ohio St.3d 424, 721 N.E.2d 93, 2000 Ohio 450*
- 186) **State v. Carl Lindsey (2000), 87 Ohio St3d 479, 721 N.E.2d 995, 2000 Ohio 465**
- 187) **State v. Jason Robb (2000), 88 Ohio St3d 59, 723 N.E.2d 1019, 2000 Ohio 275**
- 188) **State v. Rayshawn Johnson (2000), 88 Ohio St3d 95, 723 N.E.2d 1054, 2000 Ohio 276**
- 189) **State v. Michael Stallings (2000), 89 Ohio St3d 280, 731 N.E.2d 159, 2000 Ohio 164**
- 190) *State v. Vernon Smith (2000), 89 Ohio St3d 323, 731 N.E.2d 645, 2000 Ohio 166*
- 191) **State v. Sean Carter (2000), 89 Ohio St.3d 593, 734 N.E.2d 345, 2000 Ohio 172**
- 192) **State v. Jerry Hessler (2000), 90 Ohio St3d 108, 734 N.E.2d 1237, 2000 Ohio 30, 31**
- 193) **↑State v. Alva Campbell (2000), 90 Ohio St.3d 320, 738 N.E.2d 1178, 2000 Ohio 183**
- 194) **⊕↑State v. Joseph Green (2000), 90 Ohio St.3d 352, 738 N.E.2d 1208, 2000 Ohio 182**
- 195) *State v. Elwood Jones (2000), 90 Ohio St.3d 403, 739 N.E. 2d 300, 2000 Ohio 187*
- 196) *State v. Frederick Treesh (2001), 90 Ohio St.3d 460, 739 N.E.2d 749, 2001 Ohio 4*
- 197) *State v. Stanley Jalowiec (2001) 91 Ohio St3d 220, 744 N.E. 2d 163, 2001 Ohio 26*

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- 198) **State v. Odray Jones (2001) 91 Ohio St.3d 335, 744 N.E.2d 1163, 2001 Ohio 57**
- 199) **State v. Ulysses Murphy (2001), 91 Ohio St.3d 516, 747 N.E.2d 765, 2001 Ohio 112**
- 200) **State v. Raymond Tibbetts (2001), 92 Ohio St.3d 146, 749 N.E.2d 226, 2001 Ohio 132**
- 201) *State v. Carlos Sanders (2001), 92 Ohio St.3d 245, 750 N.E.2d 90, 2001 Ohio 189*
- 202) **State v. Kareem Jackson (2001), 92 Ohio St.3d 436, 751 N.E.2d 946, 2001 Ohio 1266**
- 203) **State v. Richard Nields (2001), 93 Ohio St.3d 6, 752 N.E.2d 859, 2001 Ohio 1291**
- 204) **State v. Ahmed Fawzi Issa (2001), 93 Ohio St.3d 49, 752 N.E.2d 904, 2001 Ohio 1290**
- 205) **State v. Douglas Coley (2001), 93 Ohio St.3d 253, 754 N.E.2d 1129, 2001 Ohio 1340**
- 206) **State v. Brett Hartman (2001), 93 Ohio St.3d 274, 754 N.E.2d 1150, 2001 Ohio 1580**
- 207) ® *State v. James Were, 94 Ohio St.3d 173, 761 N.E. 2d 591, 2002 Ohio 481*
- 208) **State v. Willie S. Herring , 94 Ohio St.3d 246, 762 N.E. 2d 940, 2002 Ohio 796**
- 209) *State v. Raymond Twyford, 94 Ohio St.3d 340, 763 N.E. 2d 122, 2002 Ohio 894*
- 210) **State v. Alva Campbell, 95 Ohio St3d 48, 765 N.E. 2d 334, 2002 Ohio 1626**
- 211) *State v. Keith Lamar, 95 Ohio St.3d 181, 767 N.E. 2d 166, 2002 Ohio 2128*

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- 212) *State v. Kevin Yarbrough*, 95 Ohio St.3d 227, 767 N.E. 2d 216, 2002 Ohio 2126
- 213) ***State v. James Hanna*, 95 Ohio St.3d 285, 767 N.E. 2d 678, 2002 Ohio 2221**
- 214) ***State v. August Cassano*, 96 Ohio St.3d 94, 772 N.E.2d 81, 2002-Ohio-3751**
- 215) Ⓣ⤴ *State v. Tazwell Lomax*, 96 Ohio St.3d 318, 774 N.E.2d 249, 2002-Ohio-4453
- 216) ***State v. Antonio Franklin*, 97 Ohio St.3d 1, 776 N.E.2d 26, 2002-Ohio-5304**
- 217) ⤴ *State v. Tony Gross*, 97 Ohio St.3d 121, 776 N.E. 2d 1061, 2002-Ohio-5524
- 218) *State v. William A Thomas*, 97 Ohio St.3d 309, 779 N. E.2d 1019, 2002-Ohio-6624
- 219) *State v. David Myers*, 97 Ohio St.3d 335, 780 N.E.2d 186, 2002-Ohio-6658
- 220) ***State v. Steven Smith*, 97 Ohio St.3d 367, 780 N.E.2d 221, 2002-Ohio-6659**
- 221) ***State v. James Taylor*, 98 Ohio St.3d 27, 781 N.E. 2d 72, 2002-Ohio-7017**
- 222) *State v. Tyrone Noling*, 98 Ohio St.3d 44, 781 N.E. 2d 88, 2002-Ohio-7044
- 223) ***State v. Scott Group*, 98 Ohio St.3d 248, 781 N.E. 2d 980, 2002-Ohio-7247**
- 224) ***State v. David Braden*, 98 Ohio S.3d 354, 785 N.E. 2d 435, 2003 Ohio 1325**
- 225) ***State v. Ralph Lynch*, 98 Ohio St. 3d 514, 787 N.E.2d 1185, 2003-Ohio-2284**

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- 226) *State v. Stephen Vrabel*, 98 Ohio St.3d 184, 790 N.E.2d 303, 2003-Ohio-3193
- 227) *State v. Gary Hughbanks*, 99 Ohio St.3d 365, 792 N.E.2d 1218, 2003-Ohio-4142
- 228) *State v. Robert Williams*, 99 Ohio St.3d 439, 793 N.E.2d 446, 2003-Ohio 4146**
- 229) $\hat{\uparrow}$ ***State v. Shawn C. Williams*, 99 Ohio St.3d 493, 2003-Ohio-4396**
- 230) *State v. Mark Brown*, 100 Ohio St.3d 51, 2003-Ohio-5059
- 231) *State v. Percy June Hutton (2)*, 100 Ohio St3d 176, 2003-Ohio-5607
- 232) *State v. Michael Scott*, 101 Ohio St3d 31, 2004-Ohio-10**
- 233) *State v. James Jordan*, 101 Ohio St.3d 216, 2004-Ohio-783**
- 234) *State v. Quisi Bryan*, 101 Ohio St.3d 272, 2004-Ohio-971**
- 235) *State v. Archie Dixon*, 101 Ohio St 3d 328, 2004-Ohio-1585
- 236) *State v. Scott Mink*, 101 Ohio St.3d 350, 2004-Ohio-1580**
- 237) *State v. Stanley Fitzpatrick*, 102 Ohio St.3d 321, 2004-Ohio-3167**
- 238) *State v. Timothy Hoffner*, 102 Ohio St.3d 358, 2004-Ohio-3430
- 239) ***State v. Nawaz Ahmed*, 103 Ohio St.3d 27, 2004-Ohio-4190**
- 240) *State v. Stanley Adams*, 103 Ohio St.3d 508, 817 N.E.2d 29, 2004-Ohio-5845**
- 241) \textcircled{R} *State v. Terrence Yarbrough*, 104 Ohio St.3d 1, 817 N.E.2d 845, 2004-Ohio-6087**
- 242) *State v Patrick Leonard*, 104 Ohio St.3d 54, 818 N.E.2d 229, 2004-Ohio-6235**
- 243) *State v. George Skates*, 104 Ohio St.3d 195, 819 N.E.2d 215, 2004-Ohio-6391

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- 244) ***State v Larry Gapan***, 104 Ohio St3d 358, 819 N.E.2d 1047, 2004-Ohio-6548
- 245) ***State v. Kevin Foust***, 105 Ohio St.3d 137, 823 N.E.2d 836, 2004-Ohio-7006
- 246) ***State v. Jeronique Cunningham***, 105 Ohio St.3d 197, 824 N.E.2d 504, 2004-Ohio-7007
- 247) ***State v. William Sapp***, 105 Ohio St.3d 104, 822 N.E.2d 1239, 2004-Ohio-7008
- 248) ***State v. Grady Brinkley***, 105 Ohio St.3d 231, 824 N.E.2d 959, 2005-Ohio-1507
- 249) ***State v. Michael Turner***, 105 Ohio St.3d 331, 826 N.E.2d 266, 2005-Ohio 1938
- 250) ***State v. Jonathon Monroe***, 105 Ohio St.3d 384, 827 N.E.2d 285, 2005-Ohio-2282
- 251) ***State v. Cleveland Jackson***, 107 Ohio St.3d 53, 2005-Ohio-5981
- 252) ***State v. Gregory McKnight***, 107 Ohio St3d 101, 2005-Ohio-6046
- 253) ***State v. Nathaniel Jackson***, 107 Ohio St.3d 300, 2006-Ohio-1
- 254) ***State v. Gerald Hand***, 107 Ohio St.3d 378, 2006-Ohio-18
- 255) ***State v. Christopher Newton***, 108 Ohio St.3d 13, 2006-Ohio-81
- 256) ***State v. Timothy Hancock***, 108 Ohio St.3d 57, 2006-Ohio-160
- 257) ***State v. James Conway***, 108 Ohio St.3d 214, 2006-Ohio-791

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UNIQUE ISSUES RELATING TO CAPITAL CASES

- 1) *State ex rel. Spirko v. Court of Appeals* (1986), 27 Ohio St. 3d 13, 501 N.E.2d 625 (per curiam) (right to a full and complete record in capital cases).
- 2) *State v. John Glenn* (1987), 33 Ohio St. 3d 601, 514 N.E.2d 869 (per curiam) (right to a 6-month stay of execution to pursue post-conviction).
- 3) *State v. Rojas* (1992), 62 Ohio St. 3d 1501, 583 N.E.2d 972, (Mr. Rojas filed a Motion in the Ohio Supreme Court to discontinue his direct appeal and be executed, the Ohio Supreme Court denied the Motion. Implicit in this ruling is the fact that in Ohio, a death row inmate must exhaust his direct appeal in the Court of Appeals and Ohio Supreme Court).
- 4) *State v. Murnahan* (1992), 63 Ohio St. 3d 60, 584 N.E.2d 1204, (Ineffective Assistance of Appellate Counsel is not cognizable in a petition for post-conviction relief, but may be raised in an application for reconsideration in the Court of Appeals or in a direct appeal to the Supreme Court; if the time has passed, a delayed motion for reconsideration may be taken).
- 5) *State v. Springer* (1992), 63 Ohio St. 3d 167, 586 N.E.2d 96, (when a jury becomes deadlocked during its sentencing deliberations in the penalty phase and is unable to reach a unanimous verdict on any of the sentences, the trial court is required to sentence the offender to life imprisonment with parole eligibility after serving twenty or thirty full years of imprisonment).
- 6) *State v. Steffen* (1994), 70 Ohio St. 3d 399, 639 N.E.2d 67, 1994 Ohio 111 (Execution date set by Supreme Court of Ohio may not be stayed by any other state court; when criminal defendant has exhausted direct review, one round of postconviction relief, and one motion for delayed reconsideration in the court of appeals and in the Supreme Court, any further action a defendant files in the state court system is likely to be interposed for purposes of delay and would constitute an abuse of the court system)
- 7) *State ex rel. Steckman v. Jackson* (1994), 70 Ohio St. 3d 420, 639 N.E.2d 83, (in a criminal proceeding itself, a defendant may only use Crim.R. 16 to obtain discovery; a defendant in a criminal case who has exhausted the direct appeals of her or his conviction may not avail herself or himself of R.C. 149.43 to support a petition for postconviction relief; information not subject to discovery pursuant to Crim.R. 16(B), contained in the file of a prosecutor who is

prosecuting a criminal matter, is not subject to release as a public record pursuant to R.C. 149.43 and is specifically exempt from release as a trial preparation record in accordance with R.C. 149.43(A)(4); once a record becomes exempt from release as a “trial preparation record,” that record does not lose its exempt status unless and until all “trial,” “actions” and/or “proceedings” have been fully completed.

- 8) *State v. Buell* (1994), 70 Ohio St. 3d 1211, 639 N.E.2d 110, (even though a capital defendant has a direct appeal as of right to the Ohio Supreme Court, it is his “second” appeal and he does not have the constitutional right to counsel on that appeal, therefore he does not have the constitutional right to the effective assistance of counsel on that appeal)
- 9) *State v. Lentz* (1994), 70 Ohio St. 3d 527, 639 N.E.2d 784, (when a criminal defendant is represented by two different attorneys from the same public defender’s office at trial and on direct appeal, *res judicata* bars a claim of ineffective assistance of trial counsel raised for the first time in a petition for postconviction relief when such claim could have been made on direct appeal without resort to evidence beyond the record, unless the defendant proves that an actual conflict of interest enjoined appellate counsel from raising ineffective assistance of trial counsel on direct appeal.)
- 10) *State ex rel Maurer v. Sheward* (1994), 71 Ohio St.3d 513, 644 N.E. 2d 369, 1994 Ohio 496 (the General Assembly is authorized by Section 11, Article III of the Ohio Constitution to prescribe procedural prerequisites to the application process for executive pardons, commutations are not a subset of pardons and therefore are not subject to the same procedural prerequisites as pardons)
- 11) *State v. John Dougherty* (1995), 73 Ohio St.3d 1417, 652 N.E.2d 202 (The Third District Court of Appeals dismissed his capital appeal after the court only gave counsel 85 days to file a brief in a record that was over 6000 pages long, the court had also refused to allow counsel to withdraw, on appeal, Dougherty raised three issues: the court of appeals abused its discretion in denying the extension of time and dismissing the case, this attorneys were ineffective since at a minimum a brief should be filed, and the court of appeals abused its discretion in failing to allow counsel to withdraw when the court was asking them to violate their ethical responsibilities. The Ohio Supreme Court unanimously reversed the decision of the court of appeals and remanded the case for full briefing on the merits.)

- 12) *State v. Wilford Berry* (1996), 74 Ohio St.3d 1504, 659 N.E.2d 796 (The Court ordered that an independent psychiatric expert be appointed to determine appellant's competency to waive further legal proceedings challenging the death penalty imposed upon him. The Court ordered the following standard to be applied: A capital defendant is mentally competent to abandon any and all challenges to his death sentence, including appeals, state post-conviction collateral review, and federal habeas corpus, if he has the mental capacity to understand the choice between life and death and to make a knowing and intelligent decision not to pursue further remedies. The defendant must fully comprehend the ramifications of his decision, and must possess the "ability to reason logically," i.e., to choose "means which relate logically to his ends.")
- 13) *State v. Wilford Berry* (1997), 80 Ohio St.3d 371, 686 N.E.2d 1097, 1997 Ohio 336 (The Court concluded, based on the hearing record, that Berry was competent, in that he has the capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation. The Ohio Constitution does not compel a forced postconviction review upon a competent individual who has decided, for reasons of his own, not to seek it.)
- 14) *State v. Jay D. Scott* (2001), 91 Ohio St.3d 1237, 744 N.E.2d 790, 2001 Ohio 61 (Ohio Attorney General files a motion to force court to hold a competency hearing in anticipation of later defense request for a hearing on competency to be executed. "R.C. 2949.28 and 2949.29 set forth no deadlines for filing a notification of a convict's apparent insanity. Those statutes neither authorize nor contemplate the state's request to accelerate the Specified procedures. Moreover, R.C. 2949.28 and 2949.29 provide the exclusive statutory framework to follow if an issue arises concerning a convict's competency to be executed. We continue to have the responsibility to review and decide any request for a stay of execution in such cases. See R.C. 2949.28(B)(4). . . . Moreover, there is no need to artificially speed up competency proceedings, should there be any. "
- 15) *State v. Vincent Parker*, 95 Ohio St.3d 524, 769 N.E.2d 846, 2002-Ohio-2833: A defendant charged with a crime punishable by death who has waived his right to trial by jury must, pursuant to R.C. 2945.06 and Crim.R. 11(C)(3), have his case heard and decided by a three-judge panel even if the state agrees that it will not seek the death penalty.
- 16) *State v. Gregory Lott*, 97 Ohio St.3d 303, 779 N.E. 2d 1011, 2002-Ohio-6625: Clinical definitions of mental retardation, cited with approval in *Atkins*, provide a standard for evaluating an individual's claim of

mental retardation. *Id.* at fn. 3, citing definitions from the American Association of Mental Retardation and the American Psychiatric Association. These definitions require (1) significantly subaverage intellectual functioning, (2) significant limitations in two or more adaptive skills, such as communication, self-care, and self-direction, and (3) onset before the age of 18. Most state statutes prohibiting the execution of the mentally retarded require evidence that the individual has an IQ of 70 or below. * * * While IQ tests are one of the many factors that need to be considered, they alone are not sufficient to make a final determination on this issue. * * * We hold that there is a rebuttable presumption that a defendant is not mentally retarded if his or her IQ is above 70. * * * The three-part test defining mental retardation, as cited in *Atkins*, provides the trial court with the constitutional standard for reviewing the evidence. In considering an *Atkins* claim, the trial court shall conduct its own *de novo* review of the evidence in determining whether the defendant is mentally retarded. The trial court should rely on professional evaluations of Lott's mental status, and consider expert testimony, appointing experts if necessary, in deciding this matter. The trial court shall make written findings and set forth its rationale for finding the defendant mentally retarded or not mentally retarded. We believe that these matters should be decided by the court and do not represent a jury question. In this regard, a trial court's ruling on mental retardation should be conducted in a manner comparable to a ruling on competency (i.e., the judge, not the jury, decides the issue).

- 17) *In re Jones*, 99 Ohio St.3d 203, 2003-Ohio-3182, paragraph one of syllabus: Statements made by an individual to a licensed psychologist or licensed independent social worker in the course of an examination ordered by a court for forensic purposes are not communications received "from a client in that relation," R.C. 2317.02(G)(1), and are not protected as privileged communications pursuant to R.C. 4732.19 and former R.C. 2317.02, 147 Ohio Laws, Part III, 4686, 4702, as in effect prior to April 10, 2001, the effective date of 2000 Sub.H.B. No. 506.
- 18) *Pratts v. Hurley*, 102 Ohio St.3d 81, 2004-Ohio-1980, syllabus: The failure of a court to convene a three-judge panel, as required by R.C. 2945.06, does not constitute a lack of subject-matter jurisdiction that renders the trial court's judgment void ab initio and subject to collateral attack in habeas corpus. It constitutes an error in the court's exercise of jurisdiction that must be raised on direct appeal.
- 19) *State v. Robert Harwell*, 102 Ohio St.3d 128, 2004-Ohio-2149, syllabus: An indictment charging aggravated murder and one or more

specifications of aggravating circumstances listed in R.C. 2929.04(A) charges a capital offense, irrespective of whether the offender is eligible for the death penalty.

- 20) *State v. Shawn Williams*, 103 Ohio St3d 112, 2004-Ohio-4747, syllabus: Because the Revised Code is silent as to whether current R.C. 2929.06(B) applies retroactively, it applies only prospectively. Therefore, current R.C. 2929.06 is inapplicable for resentencing an offender whose offenses occurred prior to the statute's effective date of October 16, 1996. Rather the law in effect at the time of the offense applies. (But see HB 184 passes in 2004 that changes the statute)
- 21) *Morgan v. Eads*, 104 Ohio St3d 142, 818 N.E.2d 1157, 2004-Ohio-6110, syllabus: Proceedings under App. R. 26(B) are collateral post conviction proceedings and not part of the direct appeal process.