

OHIO COURT OF APPEALS, NINTH DISTRICT

State v. Torres

2020-Ohio-3077 (Ohio Ct. App. 2020) · No. 18CA011451 · Decided May 26, 2020

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Oberlin Municipal Court’s order forfeiting Juan Carlos Torres’s vehicle after his third OVI conviction within ten years. The court held that Ohio Revised Code section 4511.19(G)(1)(c)(v), which requires forfeiture when the vehicle is registered in the repeat offender’s name, is rationally related to legitimate governmental interests and does not violate equal protection. A concurring judge agreed with the judgment but emphasized that the statute turns on vehicle registration rather than ownership.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth District
WRITING FOR THE COURT	Thomas A. Teodosio, Presiding Judge; Callahan, Judge; Hensal, Judge
JURISDICTION	Ohio
DECIDED	May 26, 2020
DOCKET	18CA011451
DISPOSITION	affirmed
PROCEDURAL POSTURE	Torres appealed the Oberlin Municipal Court's order requiring criminal forfeiture of his vehicle following his no-contest plea and conviction for a third OVI offense within ten years.
STANDARD OF REVIEW	Constitutional challenges are reviewed de novo. Statutes are presumed constitutional, and a statute may be invalidated only when it is shown beyond a reasonable doubt to be clearly incompatible with the Constitution. An as-applied challenge requires clear and convincing evidence of facts rendering the statute unconstitutional as applied.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Juan Carlos Torres v. State of Ohio

TOPICS

equal protection

rational basis review

forfeiture

criminal procedure

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PRACTICE AREAS

constitutional law

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QUESTIONS PRESENTED

1. Whether R.C. 4511.19(G)(1)(c)(v), which requires criminal forfeiture of a vehicle registered in the offender's name after a third OVI conviction or guilty plea within ten years, violates the Equal Protection Clause of the Fourteenth Amendment.
2. Whether the statute violates Article I, Section 2 of the Ohio Constitution.
3. Whether the statutory distinction based on whether the vehicle is registered in the repeat OVI offender's name is rationally related to legitimate governmental interests.

HOLDINGS

1. R.C. 4511.19(G)(1)(c)(v) is not unconstitutional on its face or as applied because its criminal-forfeiture requirement is rationally related to legitimate governmental purposes.
2. The distinction between vehicles registered in the repeat OVI offender's name and vehicles owned by third parties is rational and does not violate equal protection.

KEY QUOTATIONS

“The rational-basis test involves a two-step analysis. We must first identify a valid state interest. Second, we must determine whether the method or means by which the state has chosen to advance that interest is rational.” (¶ 10)

“Under the rational-basis test, the Equal Protection Clause is satisfied if “there is a plausible policy reason for the classification.”” (¶ 14)

“Upon review, this Court concludes that R.C. 4511.19(G)(1)(c)(v) is rationally related to a legitimate governmental purpose and is not clearly incompatible beyond a reasonable doubt with the Equal Protection Clauses of the Ohio Constitution and the Fourteenth Amendment to the United States Constitution.” (¶ 15)

FACTUAL BACKGROUND

Juan Carlos Torres pleaded no contest to his third OVI offense within ten years and to driving under suspension. The vehicle involved in the offense was registered in Torres's name. The municipal court ordered criminal forfeiture of the vehicle under R.C. 4511.19(G)(1)(c)(v), and Torres challenged the forfeiture as violating equal protection on its face and as applied.

PROCEDURAL HISTORY

Torres pleaded no contest to a third OVI offense within ten years and to driving under suspension. The municipal court found him guilty, denied his written constitutional objection to vehicle forfeiture, and ordered forfeiture of the vehicle as part of his sentence. The Ninth District stayed execution of the forfeiture order pending appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Aalim, 150 Ohio St. 3d 489, 2017-Ohio-2956
- State v. Celli, 9th Dist. Summit No. 28226, 2017-Ohio-2746
- State v. Noling, 149 Ohio St. 3d 327, 2016-Ohio-8252
- Roseman v. Firemen & Policemen's Death Benefit Fund, 66 Ohio St. 3d 443 (1993)
- State v. Klembus, 146 Ohio St. 3d 84, 2016-Ohio-1092
- Nordlinger v. Hahn, 505 U.S. 1 (1992)
- State ex rel. Dickman v. Defenbacher, 164 Ohio St. 142 (1955)
- State v. Smith, 80 Ohio St. 3d 89 (1997)
- Harrold v. Collier, 107 Ohio St. 3d 44, 2005-Ohio-5334
- Groch v. Gen. Motors Corp., 117 Ohio St. 3d 192, 2008-Ohio-546
- State v. Austin, 9th Dist. Summit No. 28199, 2017-Ohio-7845
- State v. Fortson, 11th Dist. Portage No. 2011-P-0031, 2012-Ohio-3118
- State v. Williams, 88 Ohio St. 3d 513 (2000)
- Pickaway Cty. Skilled Gaming, L.L.C. v. Cordray, 127 Ohio St. 3d 104, 2010-Ohio-4908
- McCrone v. Bank One Corp., 107 Ohio St. 3d 272, 2005-Ohio-6505
- Doyle v. Ohio Bur. of Motor Vehicles, 51 Ohio St. 3d 46 (1990)
- Birchfield v. North Dakota, 136 S. Ct. 2160 (2016)
- State v. Sanders, Miami County M.C. No. 94-TRC-3104-S-PIQ (Sept. 7, 1994)
- State v. Sanders, 2d Dist. Miami Nos. 95 CA 11 and 95 CA 12, 1995 WL 634371 (Sept. 29, 1995)
- In re Adm. License Suspension Cases, 76 Ohio St. 3d 597, 599 (1996)
- Cleveland v. Huff, 14 Ohio App. 3d 207, 210 (8th Dist. 1984)
- State v. Wilson, 58 Ohio St. 2d 52 (1979)
- Wheeling Steel Corp. v. Glander, 337 U.S. 562, 573-574 (1949)
- State v. Mole, 149 Ohio St. 3d 215, 2016-Ohio-5124
- Adamsky v. Buckeye Local School Dist., 73 Ohio St. 3d 360, 363 (1995)
- State v. Konrath, 218 Wis. 2d 290, 309 (Wis. 1998)
- State v. Erskine, 4th Dist. Highland No. 14CA17, 2015-Ohio-710, ¶ 30
- State v. Conley, 9th Dist. Summit No. 27869, 2016-Ohio-5310