

SUPREME COURT OF OHIO

Office of Disciplinary Counsel v. Wrenn

99 Ohio St. 3d 222 (Ohio 2003) · Decided July 9, 2003

SUMMARY

The Ohio Supreme Court reviewed professional-discipline charges against an assistant prosecutor who failed to disclose verbal DNA-test results and a victim's changed account in a criminal case. The court found violations of four Disciplinary Rules and imposed a six-month suspension from practice, staying the entire suspension and taxing costs to the respondent.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Lundberg Stratton, J.; Resnick, J.; F.E. Sweeney, J.; Fain, J., sitting for Cook, J.; O'Connor, J.; Moyer, C.J.; Pfeifer, J.
JURISDICTION	Ohio
DECIDED	July 9, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding reviewing the Board of Commissioners on Grievances and Discipline's recommendation of a six-month suspension stayed in its entirety.
STANDARD OF REVIEW	The Supreme Court independently reviewed the disciplinary findings and sanction recommendation and determined the appropriate sanction based on the facts, violations, and mitigating and aggravating circumstances.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Ohio
PARTIES	Office of Disciplinary Counsel v. Thomas C. Wrenn

TOPICS

prosecutorial misconduct discovery criminal evidence criminal procedure

PRACTICE AREAS

legal ethics professional discipline criminal prosecution criminal discovery

QUESTIONS PRESENTED

1. Whether Wrenn violated his professional obligations by failing to disclose known exculpatory DNA information and the victim's changed account to the defense and court.
2. Whether the appropriate sanction was an actual six-month suspension or a six-month suspension stayed in its entirety in light of the violations and mitigating circumstances.

HOLDINGS

1. A prosecutor with a duty to disclose discoverable information may not withhold known exculpatory information merely because the information was communicated orally, had not yet been reduced to a written laboratory report, or might be hearsay. Wrenn violated his professional obligations by failing to disclose the DNA results and the victim's changed account.
2. A six-month suspension from the practice of law, stayed in its entirety, was appropriate where the respondent committed multiple disclosure violations but had substantial mitigating circumstances, including no prior discipline, good character, cooperation, and no dishonest or selfish motive.

KEY QUOTATIONS

“When there is an obligation to disclose, an attorney does not have the discretion to determine whether the discoverable information may constitute admissible evidence.” (225)

“The fact that the information was not yet provided in the form of a written report does not negate respondent’s duty to disclose the information.” (225)

“Material information that is not made known to a defendant or opposing party may have significant implications on the outcome of a case.” (225)

FACTUAL BACKGROUND

As an assistant prosecuting attorney, Wrenn learned before a criminal defendant's guilty plea that DNA testing showed the semen on the alleged victim's shirt was not the defendant's. Wrenn also learned during an interview that the victim had changed his account concerning the source of the semen. Wrenn did not disclose either fact to defense counsel or the court before the plea, and the defendant later moved to withdraw the plea after learning that the testing had been completed.

PROCEDURAL HISTORY

The disciplinary panel found that Wrenn violated multiple Disciplinary Rules by failing to disclose exculpatory information in a criminal prosecution, although it rejected a dishonesty violation. The Board adopted the panel's factual findings, found an additional dishonesty violation, and recommended a six-month suspension stayed in its entirety. The Office of Disciplinary Counsel objected and sought an actual suspension; the Supreme Court of Ohio accepted the findings and imposed a six-month suspension with the entire suspension stayed.

DISPOSITION

other

CASES CITED

- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St. 3d 424, 2002-Ohio-4743, 775 N.E.2d 818
- Cincinnati Bar Assn. v. Marsick, 81 Ohio St. 3d 551, 692 N.E.2d 991 (1998)
- Disciplinary Counsel v. Jones, 66 Ohio St. 3d 369, 613 N.E.2d 178 (1993)

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