

SUPREME COURT OF OHIO

State v. Fips

2020-Ohio-1449 (Ohio 2020) · No. 2018-1778 · Decided April 15, 2020

SUMMARY

The Supreme Court of Ohio held that when a reviewing court determines that a criminal conviction is against the manifest weight of the evidence, the proper remedy is a new trial. The court reversed the Eighth District Court of Appeals' reduction of Sharon D. Fips's assault conviction to disorderly conduct and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Fischer, J.; O'Connor, C.J.; French, J.; DeWine, J.; Donnelly, J.; Kennedy, J.; Sadler, J.
JURISDICTION	Ohio
DECIDED	April 15, 2020
DOCKET	2018-1778
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State of Ohio appealed the Eighth District Court of Appeals' decision, which found Fips's assault conviction against the manifest weight of the evidence but modified the judgment to a lesser included offense rather than ordering a new trial. The Supreme Court of Ohio accepted jurisdiction to determine the proper remedy.
STANDARD OF REVIEW	The Supreme Court reviewed the legal remedy selected by the court of appeals after its manifest-weight determination.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio
PARTIES	The State of Ohio v. Sharon D. Fips

TOPICS

criminal procedure appellate procedure remedies standard of review

PRACTICE AREAS

criminal law criminal procedure appellate procedure remedies

QUESTIONS PRESENTED

1. When a reviewing court determines that a criminal conviction is against the manifest weight of the evidence, may it reduce the conviction to a lesser included offense, or must it order a new trial?

HOLDINGS

1. A new trial is the appropriate remedy when a reviewing court determines that a criminal conviction is against the manifest weight of the evidence; the reviewing court may not reduce the conviction to a lesser included offense.

KEY QUOTATIONS

*“Where a Court of Appeals has decided that a verdict or finding of guilt[] * * * is against the weight of the evidence * * * such Court of Appeals has no power to modify such verdict or finding by reducing it * * *. Its only power is to order a new trial.” (¶ 8)*

“Accordingly, we once again hold that a new trial is the appropriate remedy when a reviewing court determines that a criminal conviction is against the manifest weight of the evidence.” (¶ 10)

FACTUAL BACKGROUND

In 2016, Sharon D. Fips was charged with assaulting a peace officer under R.C. 2903.13(A) and (C)(5). Following a bench trial, she was found guilty. On appeal, the Eighth District determined that the conviction was against the manifest weight of the evidence but modified the judgment to the lesser included offense of disorderly conduct.

PROCEDURAL HISTORY

Fips was convicted after a bench trial of assaulting a peace officer. The Eighth District reversed on manifest-weight grounds but reduced the conviction to disorderly conduct. After the appellate court denied reconsideration and was evenly divided on en banc review, the State appealed to the Supreme Court of Ohio. The Supreme Court reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Eighth District Court of Appeals is reversed, and the matter is remanded for a new trial.

CASES CITED

- State v. Robinson, 162 Ohio St. 486, 124 N.E.2d 148 (1955)
- State v. Geghan, 166 Ohio St. 188, 140 N.E.2d 790 (1957)
- State v. Thompkins, 78 Ohio St. 3d 380, 678 N.E.2d 541 (1997)
- Tibbs v. Florida, 457 U.S. 31, 102 S. Ct. 2211, 72 L. Ed. 2d 652 (1982)

- Eastley v. Volkman, 132 Ohio St. 3d 328, 2012-Ohio-2179, 972 N.E.2d 517 (Ohio 2012)
- Smith v. Klem, 6 Ohio St. 3d 16, 450 N.E.2d 1171 (1983)
- Merrick v. Ditzler, 91 Ohio St. 256, 110 N.E. 493 (1915)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-supreme-court-of-ohio/2020/state-v-fips-5ujmyfcg>