

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT

State v. Overton

2025-Ohio-5606 · No. L-24-1209 · Decided December 16, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed Andre Overton’s conviction and aggregate sentence of 18 years to life for murder with a firearm specification. The court rejected challenges to the knowing and intelligent waiver of Miranda rights and to the trial court’s calculation of the statutory period for competency-restoration treatment under R.C. 2945.39. The opinion discusses competency to stand trial, an insanity defense, suppression of statements, and the applicable treatment-time calculation.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District
WRITING FOR THE COURT	Thomas J. Osowik; Gene A. Zmuda; Charles E. Sulek
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 16, 2025
DOCKET	L-24-1209
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Lucas County Court of Common Pleas judgment denying his motion to suppress statements, denying his motion to proceed under R.C. 2945.39, accepting his no-contest plea to murder with a firearm specification, and imposing an aggregate prison term of 18 years to life.
STANDARD OF REVIEW	The denial of the motion to suppress was reviewed as a mixed question of fact and law: factual findings were accepted if supported by competent, credible evidence, while legal conclusions were reviewed de novo. The appellate court also applied a preponderance-of-the-evidence standard to Overton's burden to establish that he was not restored to competency within the statutory treatment period.
PRECEDENTIAL VALUE	published
PARTIES	Andre Overton v. State of Ohio

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QUESTIONS PRESENTED

1. Whether Overton knowingly and intelligently waived his Miranda rights despite his mental illness, such that the trial court properly denied his motion to suppress his police statements.
2. Whether the one-year treatment limitation under R.C. 2945.38(C)(1)(a) is calculated by the time the defendant actually undergoes restoration treatment, excluding periods when treatment is unavailable or refused, and whether Overton showed that he was not restored within that period.

HOLDINGS

1. The trial court properly denied the motion to suppress because the State proved by a preponderance of the evidence that Overton knowingly and intelligently waived his Miranda rights. Mental illness, medication needs, or mental instability alone did not overcome the presumption of competency or establish that the waiver was invalid where the interrogation was calm, noncoercive, and the recording showed that Overton understood and waived each right.
2. The one-year period in R.C. 2945.38(C)(1)(a) is measured by the time the defendant actually undergoes restoration treatment, including continuing evaluation and treatment, rather than by the date treatment is ordered or by periods spent waiting for treatment or refusing medication. Overton failed to prove by a preponderance of the evidence that he was not restored within the maximum treatment period, so the trial court properly denied his motion to proceed under R.C. 2945.39.

KEY QUOTATIONS

“The totality of the circumstances of appellant’s Miranda waiver includes appellant’s age, mentality, prior criminal experience, length, intensity and frequency of interrogation, existence of physical deprivation or mistreatment and existence of threat or inducement by which is revealed both an uncoerced choice and the requisite level of comprehension.” (¶ 43)

“We find that to “undergo treatment” reflects receiving treatment, including any continuing evaluation and treatment, and not periods of thinking about receiving treatment while waiting for a treatment bed to become available, or not receiving treatment because the defendant refused treatment.” (¶ 49)

FACTUAL BACKGROUND

Overton shot D.S. three times in the head at his father's Toledo home and fled, later admitting to police that he shot D.S. and disposed of the firearm. At the police station, he was slowly advised of each Miranda right, waived those rights in writing, and gave incriminating statements. Overton had a history of schizophrenia and underwent multiple competency evaluations and treatment periods, but the trial court ultimately found him competent to stand trial and concluded that the periods of actual restoration treatment did not exceed the statutory one-year limit.

PROCEDURAL HISTORY

Overton was indicted on aggravated murder, murder, felonious assault, grand theft of a motor vehicle, and tampering with evidence, with firearm specifications attached to several counts. After multiple competency evaluations and restoration proceedings, the trial court denied his motion to suppress statements and his motion to proceed under R.C. 2945.39. Overton pleaded no contest to murder with a firearm specification in exchange for dismissal of the remaining counts and specifications, and the trial court sentenced him to 18 years to life. The Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Stutzman, 2019-Ohio-1695, ¶¶ 12, 16 (9th Dist.)
- State v. Were, 2008-Ohio-2762, ¶ 45
- State v. Davis, 2021-Ohio-237, ¶ 118 (11th Dist.)
- State v. Arnold, 2025-Ohio-2547, ¶¶ 26-29 (6th Dist.)
- State v. Grimes, 2017-Ohio-2927, ¶ 20
- State v. Penn, 2021-Ohio-1761, ¶¶ 26, 28-30 (6th Dist.)
- State v. Reynolds, 2017-Ohio-1478, ¶¶ 64-75 (6th Dist.)
- State v. Urbanski, 2023-Ohio-3966, ¶ 21
- State v. LaRosa, 2021-Ohio-4060, ¶¶ 17, 50
- Cleveland v. Allen, 2009-Ohio-860, ¶ 14 (8th Dist.)
- State v. Barker, 2007-Ohio-4612, ¶ 11 (2d Dist.)
- State ex rel. Gordon v. Barthallow, 150 Ohio St. 499, 505-506 (1948)
- State v. Edwards, 2018-Ohio-1739, ¶ 18 (6th Dist.)
- State v. Swanigan, 2025-Ohio-4648, ¶ 26 (1st Dist.)
- State v. Williams, 2010-Ohio-2453, ¶¶ 11-12

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