

SUPREME COURT OF OHIO

State v. Poole

127 Ohio St. 3d 1209, 2010-Ohio-4988 (Ohio 2010) · No. 2009-2110 · Decided October 20, 2010

SUMMARY

The Ohio Supreme Court dismissed the appeal as improvidently accepted. In a dissent, Chief Justice Brown argued that a trial court has a duty to advise a witness previously charged in connection with the same events of the witness's Fifth Amendment privilege against self-incrimination, even after the witness has pleaded guilty and been sentenced.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp; Brown
JURISDICTION	Ohio
DECIDED	October 20, 2010
DOCKET	2009-2110
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the Court of Appeals for Ashtabula County; the Supreme Court of Ohio dismissed the appeal as improvidently accepted.
PRECEDENTIAL VALUE	Published disposition dismissing appeal as improvidently accepted; no majority decision on the underlying constitutional issue.
PARTIES	Poole v. The State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a trial court must advise a witness of the Fifth Amendment privilege against self-incrimination when the witness previously was charged with offenses arising from the same incident as the defendant

on trial, even if the witness's charges have been resolved by a guilty plea and sentence.

2. Whether the Supreme Court of Ohio should reach the claimed Fifth Amendment and codefendant-testimony issue in the accepted appeal.

HOLDINGS

1. The appeal was dismissed sua sponte as having been improvidently accepted.

KEY QUOTATIONS

“The cause is dismissed, sua sponte, as having been improvidently accepted.” (¶ 1)

FACTUAL BACKGROUND

Poole and her boyfriend, Robert Coffman, were charged with offenses arising from the same traffic stop. After pleading guilty to one charge and being sentenced, Poole was subpoenaed to testify at Coffman's trial, was not advised of her Fifth Amendment privilege or given an opportunity to consult counsel, and testified that drugs found in Coffman's pocket belonged to her; the state later charged her with possession of methamphetamine.

PROCEDURAL HISTORY

Poole appealed an Ashtabula County Court of Appeals decision holding that the trial court had no duty to treat her as a codefendant for Fifth Amendment purposes after she had pleaded guilty and been sentenced. The Supreme Court of Ohio accepted the appeal but dismissed it sua sponte as improvidently accepted.

DISPOSITION

dismissed

CASES CITED

- State v. Schaub (1976), 46 Ohio St. 2d 25, 27-28, 75 O.O.2d 94, 346 N.E.2d 295
- State v. Oden (July 21, 1977), Cuyahoga App. No. 36241, 1977 WL 201460
- State v. Carter, Pickaway App. No. 07CA1, 2007-Ohio-2532, ¶ 15
- Mitchell v. United States (1999), 526 U.S. 314, 325-326, 119 S. Ct. 1307, 143 L. Ed. 2d 424
- United States v. Seavers (C.A.6, 1973), 472 F.2d 607, 611
- State v. Tolbert (1991), 60 Ohio St.3d 89, 573 N.E.2d 617
- State v. Poole, 185 Ohio App. 3d 38, 2009-Ohio-5634, 923 N.E.2d 167, ¶ 32