

SUPREME COURT OF OHIO

State v. Jones

State v. Jones, 2020 Ohio 3051 (Ohio 2020) · No. 2019-0187 · Decided May 27, 2020

SUMMARY

A trial court's good-faith error in allowing the state to exercise a peremptory challenge out of sequence is not structural error but trial error subject to harmless-error review. Peremptory challenges are statutory, not constitutional, so such errors do not require automatic reversal. The state bears the burden of proving harmlessness, and the error was harmless here given overwhelming evidence. This holding resolves a certified conflict between Ohio appellate districts.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Kennedy, J.; O'Connor, C.J.; French, J.; Fischer, J.; DeWine, J.; Donnelly, J.
JURISDICTION	Ohio
DECIDED	May 27, 2020
DOCKET	2019-0187
DISPOSITION	affirmed
PROCEDURAL POSTURE	Certified conflict from the First District Court of Appeals.
STANDARD OF REVIEW	Harmless error review (state bears burden)
PRECEDENTIAL VALUE	Published
PARTIES	Jones v. State of Ohio

TOPICS

- criminal procedure
- harmless error
- standard of review
- jury selection
- appellate procedure

PRACTICE AREAS

- Criminal Law
- Appellate Practice

QUESTIONS PRESENTED

1. Whether a trial court's good-faith error in allowing the state to exercise a peremptory challenge out of sequence constitutes structural error requiring automatic reversal, or is subject to harmless-error review.

HOLDINGS

1. A good-faith error in allowing the state to exercise a peremptory challenge out of sequence is not structural error but rather is trial error and subject to harmless-error review.
2. The state bears the burden on harmless-error review to show that the error did not affect the outcome of the trial. The court of appeals erred by shifting the burden to the defendant.

KEY QUOTATIONS

“only constitutional defects may be structural errors, and misallocating peremptory strikes is a trial error, not a constitutional one.” (§ 31)

“a violation of Crim.R. 24(E) is 'simply an error in the trial process itself'” (§ 26)

“there is no freestanding constitutional right to peremptory challenges” (§ 23)

FACTUAL BACKGROUND

Jones was charged with theft for shoplifting clothing and a watch from a Burlington Coat Factory. During jury selection, the state waived its final peremptory challenge, then after Jones used his, the trial court allowed the state to strike a juror. Jones was convicted of complicity to theft. The evidence included testimony from a loss-prevention associate who observed Jones act suspiciously and leave without paying, and police who found stolen merchandise in the car.

PROCEDURAL HISTORY

The trial court convicted Jones of complicity to theft. The court of appeals affirmed, holding that the trial court's error in allowing the state to exercise a peremptory challenge out of sequence was not structural and was harmless. The First District certified a conflict with the Tenth District's decision in *State v. Holloway*.

DISPOSITION

affirmed

CASES CITED

- *Rivera v. Illinois*, 556 U.S. 148 (2009)
- *State v. Greer*, 39 Ohio St.3d 236, 530 N.E.2d 382 (1988)
- *State v. Fisher*, 99 Ohio St.3d 127, 2003-Ohio-2761, 789 N.E.2d 222
- *Arizona v. Fulminante*, 499 U.S. 279 (1991)
- *Weaver v. Massachusetts*, 137 S.Ct. 1899 (2017)
- *State v. Perry*, 101 Ohio St.3d 118, 2004-Ohio-297, 802 N.E.2d 643
- *State v. Holloway*, 129 Ohio App.3d 790, 719 N.E.2d 70 (10th Dist.1998)

CITED IN

- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-3578, ¶ 25 (7th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 20, 36, 39
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 38
- State v. Jones, State v. Jones, 3d Dist. Crawford No. 3-19-11, 2020-Ohio-3919, ¶¶ 11, 14
- State v. Jones, State v. Jones, 2020-Ohio-3367, ¶ 85 (8th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-3051, ¶ 17
- State v. Jones, State v. Jones, 2020-Ohio-3367, ¶ 94
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, paragraph one of the syllabus, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶20
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 34
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-3051, ¶ 2
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 41-42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 28, 31
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 31, 34, 39
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 34
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 34
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 31-34
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42

- State v. Jones, State v. Jones, 2020-Ohio-3051, ¶¶ 17-18
- State v. Jones, State v. Jones, 2020-Ohio-6667, ¶ 37 (3d Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-3367, ¶ 71
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39
- State v. Jones, State v. Jones, 2020-Ohio-3051, ¶ 17
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-3367
- State v. Jones, State v. Jones, 2020-Ohio-3367, ¶ 71 (8th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 29
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 34
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 19-20, 28
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 19-20, 26-29, 39
- State v. Jones, State v. Jones, 2020-Ohio-3051, ¶ 18 (1st Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39
- State v. Jones, State v. Jones, 2020-Ohio-6729
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 20, 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 19
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶¶ 39, 42
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 34
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39