

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

In re D.W.R.

2026-Ohio-1433 · No. 24AP-31 · Decided April 21, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio held that a juvenile court erred by permitting a key witness to testify despite the witness's inability to understand the duty to tell the truth. The court found the error prejudicial, rejected the state's mootness argument because the delinquency adjudication imposed a firearm disability, and reversed and remanded. The court overruled the insufficiency-of-the-evidence assignment of error and found the remaining assignments moot.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Dingus, J.; Beatty Blunt, J.; Jamison, J.
JURISDICTION	Court of Appeals of Ohio, Tenth Appellate District
DECIDED	April 21, 2026
DOCKET	24AP-31
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Juvenile delinquency appeal from a judgment of the Franklin County Court of Common Pleas, Domestic Relations and Juvenile Branch, reaffirming delinquency adjudications and imposing community supervision.
STANDARD OF REVIEW	A trial court's witness-competency determination is reviewed for abuse of discretion. Legal sufficiency is reviewed de novo by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the essential elements proven beyond a reasonable doubt.
PRECEDENTIAL VALUE	published
PARTIES	D.W.R. v. State of Ohio

TOPICS

- evidence
- mootness
- second amendment
- due process
- appellate procedure

PRACTICE AREAS

juvenile delinquency

evidence

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal became moot after D.W.R. completed community supervision and potentially could seek sealing and expungement of her juvenile record.
2. Whether the juvenile court abused its discretion and violated due process by permitting N.O. to testify despite his inability to understand the duty to tell the truth.
3. Whether the erroneous admission of N.O.'s testimony was prejudicial.
4. Whether sufficient evidence supported the delinquency adjudications such that retrial was not barred by double jeopardy.

HOLDINGS

1. The appeal was not moot because the delinquency adjudication continued to impose a legal consequence: under R.C. 2923.13(A)(2), D.W.R. remained prohibited from knowingly acquiring, possessing, carrying, or using a firearm.
2. A witness is incompetent under Evid.R. 601(B)(2) when the witness is incapable of understanding the duty to tell the truth. N.O. was incompetent because his competency-hearing testimony demonstrated that he lacked a fundamental understanding of the distinction between truth and falsehood.
3. Allowing N.O. to testify was prejudicial error because he was the only witness with direct personal knowledge who accused D.W.R. of committing the offenses, and the remaining hearsay evidence derived from his statements was likewise tainted by his incompetency.
4. The evidence admitted at trial was legally sufficient to support the delinquency adjudications, so reversal for the competency error did not bar a retrial under the Double Jeopardy Clause.

KEY QUOTATIONS

“We agree that there was no reasonable dispute that N.O. was incapable of understanding the duty of a witness to tell the truth.” (¶ 20)

“In the absence of N.O.’s allegations, there was no evidence that D.W.R. committed the charged offenses.” (¶ 21)

“Motion to dismiss denied; judgment reversed; cause remanded.” (¶ 30)

FACTUAL BACKGROUND

D.W.R. was accused of sexually touching N.O., a developmentally disabled adult who lived in a group home and had diagnoses including schizophrenia and psychosis. At the competency hearing, N.O. showed that he did not understand what it meant to tell the truth or a lie, including by agreeing that his green coat was blue. Despite that testimony, the juvenile court found him competent and admitted his testimony at trial. The appellate court

concluded that N.O.'s testimony was central to the adjudication and that the evidence was prejudicially affected by his incompetency.

PROCEDURAL HISTORY

Complaints charged D.W.R. with gross sexual imposition and sexual imposition in the Union County Juvenile Court. After a competency hearing, the court found the alleged victim competent, adjudicated D.W.R. delinquent following trial, and later transferred the matter to Franklin County for disposition. The Franklin County court reaffirmed the adjudication and imposed community supervision, which was terminated while the appeal was pending. The appellate court denied the State's motion to dismiss as moot, sustained the competency assignment of error, overruled the sufficiency assignment, held the remaining assignments moot, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch, for further proceedings consistent with law and the decision.

CASES CITED

- Doran v. Heartland Bank, 2018-Ohio-1811, ¶ 12 (10th Dist.)
- Lund v. Portsmouth Local Air Agency, 2014-Ohio-2741, ¶ 6 (10th Dist.)
- Cleveland Hts. v. Lewis, 2011-Ohio-2673, ¶ 19
- State v. Golston, 1994-Ohio-109, syllabus and ¶¶ 6-7
- State v. Wilson, 41 Ohio St.2d 236 (1975), syllabus
- Solon v. Bollin-Booth, 2012-Ohio-815, ¶ 11 (8th Dist.)
- In re S.J.K., 2007-Ohio-2621, ¶ 10
- New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U.S. 1, 32 (2022)
- District of Columbia v. Heller, 554 U.S. 570, 592 (2008)
- State v. Frazier, 61 Ohio St.3d 247, 252 (1991)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State v. Boston, 46 Ohio St.3d 108, 114 (1989)
- State v. Gideon, 2020-Ohio-6961, ¶ 26
- State v. Thompson, 1997-Ohio-52, ¶¶ 21, 23, 26
- Tibbs v. Florida, 457 U.S. 31 (1982)
- State v. Brewer, 2009-Ohio-593, ¶ 18
- State v. Mahone, 2014-Ohio-1251, ¶ 38 (10th Dist.)
- State v. Tenace, 2006-Ohio-2417, ¶ 37
- Lockhart v. Nelson, 488 U.S. 33, 34 (1988)

- State v. Economo, 1996-Ohio-426, syllabus and ¶ 13

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