

SUPREME COURT OF OHIO

State v. Hunter

131 Ohio St. 3d 67, 2011-Ohio-6524 (Ohio 2011) · No. No. 2007-2021 · Decided December 20, 2011

SUMMARY

The Supreme Court of Ohio affirmed Lamont Hunter’s convictions for aggravated murder, rape, and child endangerment, as well as his death sentence. The court rejected claims of ineffective assistance of counsel concerning counsel’s pending criminal charges, jury waiver, continuances, investigation, and use of expert witnesses.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	McGee Brown, J.; O'Connor, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	December 20, 2011
DOCKET	No. 2007-2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal of right from convictions and a death sentence imposed by a three-judge panel of the Hamilton County Court of Common Pleas.
STANDARD OF REVIEW	Ineffective-assistance claims are reviewed under the two-pronged Strickland test. Evidentiary rulings are reviewed for abuse of discretion. Sufficiency is reviewed by asking whether, viewing the evidence most favorably to the prosecution, any rational trier of fact could find the essential elements beyond a reasonable doubt. Manifest-weight claims require review of the entire record to determine whether the factfinder clearly lost its way and created a manifest miscarriage of justice. The death sentence is independently reviewed for appropriateness and proportionality under R.C. 2929.05(A).
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Ohio.
PARTIES	Lamont Hunter v. The State of Ohio

TOPICS

sentencing

ineffective assistance

evidence

criminal procedure

appellate procedure

PRACTICE AREAS

Criminal law

Capital punishment

Criminal procedure

Ineffective assistance of counsel

Evidence

Sentencing and proportionality review

QUESTIONS PRESENTED

1. Whether Hunter received ineffective assistance of counsel during the guilt and penalty phases.
2. Whether retained counsel was required to possess capital-case certification or to use additional counsel, investigators, or experts.
3. Whether admission of evidence concerning Hunter's prior injuries to Trustin violated Evid.R. 404(B).
4. Whether the evidence was legally insufficient or against the manifest weight of the evidence.
5. Whether the trial court improperly denied defense motions concerning rebuttal witnesses, the prosecutor's file, victim-impact evidence, grand-jury materials, penalty-phase argument, suppression of Hunter's statement, and other objections.
6. Whether consecutive sentences for the noncapital offenses violated constitutional protections.
7. Whether Ohio's death-penalty statutes violated the federal or Ohio Constitutions or international law.
8. Whether cumulative error required reversal.
9. Whether the death sentence was appropriate and proportionate under Ohio law.

HOLDINGS

1. Hunter failed to establish either deficient performance or prejudice under Strickland. His claims concerning counsel's unrelated criminal charges, jury waiver advice, continuances, failure to use additional counsel or experts, mitigation preparation, other-acts objections, unrecorded sidebars, witness credentials, and plea negotiations did not warrant reversal.
2. Because Hunter retained private counsel, the capital-counsel appointment and certification requirements of Sup.R. 20 did not apply, and the absence of a second attorney, investigator, or additional expert did not establish ineffective assistance.
3. The trial court did not abuse its discretion by admitting evidence of Trustin's prior injuries under Evid.R. 404(B), because the evidence was relevant to rebut Hunter's claim that the fatal injuries resulted from an accidental fall and to show absence of mistake or accident and purposefulness.
4. The evidence was sufficient to support all convictions and specifications, and the verdict was not against the manifest weight of the evidence.
5. The trial court properly denied suppression because Hunter was advised of his Miranda rights and voluntarily waived them before questioning.
6. The consecutive sentences for rape and child endangerment were constitutional and within the trial court's authority; Hunter forfeited the issue by failing to object and could not demonstrate plain error.

7. The aggravating circumstances under R.C. 2929.04(A)(7) and (A)(9) outweighed the mitigating factors beyond a reasonable doubt, and the death sentence was appropriate and proportionate.

KEY QUOTATIONS

“while States are free to impose whatever specific rules they see fit to ensure that criminal defendants are well represented, we have held that the Federal Constitution imposes one general requirement: that counsel make objectively reasonable choices.” (§ 39)

“The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.” (§ 118)

“Where none of the individual sentences imposed on an offender are grossly disproportionate to their respective offenses, an aggregate prison term resulting from consecutive imposition of those sentences does not constitute cruel and unusual punishment.” (§ 154)

FACTUAL BACKGROUND

Trustin Blue, a three-year-old child in Hunter's household, sustained prior fractures and other injuries while in Hunter's care. On January 19, 2006, after Hunter was alone caring for Trustin, the child suffered catastrophic head injuries and a severe anal tear; Hunter claimed that Trustin had fallen down basement stairs. Medical and autopsy evidence showed that the injuries were inconsistent with an accidental fall and established homicide caused by blunt impact or shaking, with anal injuries consistent with insertion of a sharp object. The child died after being declared brain dead, and Hunter was charged with aggravated murder, rape, and child endangerment.

PROCEDURAL HISTORY

Hunter was indicted for aggravated murder, rape, and child endangerment, with death-penalty specifications. He waived a jury, was tried before a three-judge panel, convicted on all charges, and sentenced to death for aggravated murder, life without parole for rape, and eight years for child endangerment, with consecutive sentences. The Supreme Court of Ohio reviewed the convictions, sentences, and death sentence on direct appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Bradley, 42 Ohio St. 3d 136, 538 N.E.2d 373 (1989)
- Bobby v. Van Hook, 558 U.S. 4, 130 S. Ct. 13, 175 L. Ed. 2d 255 (2009)
- Roe v. Flores-Ortega, 528 U.S. 470, 479, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000)
- State v. Smith, 476 N.W.2d 511, 516 (Minn. 1991)
- State v. Williams, 52 Ohio App. 3d 19, 556 N.E.2d 221, paragraph two of the syllabus (1989)

- State v. Ishmail, 54 Ohio St. 2d 402, 377 N.E.2d 500, paragraph one of the syllabus (1978)
- State v. Fitzpatrick, 102 Ohio St. 3d 321, 2004-Ohio-3167, 810 N.E.2d 927, ¶ 37
- State v. Gondor, 112 Ohio St. 3d 377, 2006-Ohio-6679, 860 N.E.2d 77, ¶ 62
- State v. Nicholas, 66 Ohio St. 3d 431, 436, 613 N.E.2d 225 (1993)
- State v. Thompson, 33 Ohio St. 3d 1, 10-11, 514 N.E.2d 407 (1987)
- State v. Foust, 105 Ohio St. 3d 137, 2004-Ohio-7006, 823 N.E.2d 836, ¶ 97
- State v. Conway, 109 Ohio St. 3d 412, 2006-Ohio-2815, 848 N.E.2d 810, ¶ 118
- State v. Dickerson, 453 F.3d 690, 691-699 (6th Cir. 2006)
- Poindexter v. Mitchell, 454 F.3d 564, 578-579 (6th Cir. 2006)
- State v. Elmore, 111 Ohio St. 3d 515, 2006-Ohio-6207, 857 N.E.2d 547, ¶ 117
- State v. Davis, 116 Ohio St. 3d 404, 2008-Ohio-2, 880 N.E.2d 31, ¶¶ 350, 377
- State v. Dixon, 101 Ohio St. 3d 328, 2004-Ohio-1585, 805 N.E.2d 1042, ¶ 60
- State v. DeMarco, 31 Ohio St. 3d 191, 196-197, 509 N.E.2d 1256 (1987)
- State v. Garner, 74 Ohio St. 3d 49, 64, 656 N.E.2d 623 (1995)
- State v. Sage, 31 Ohio St. 3d 173, 510 N.E.2d 343, paragraph two of the syllabus (1987)
- State v. Burson, 38 Ohio St. 2d 157, 159, 311 N.E.2d 526 (1974)
- State v. Banks, 78 Ohio App. 3d 206, 212, 604 N.E.2d 219 (1992)
- State v. Jamison, 49 Ohio St. 3d 182, 187, 552 N.E.2d 180 (1990)
- State v. Thompkins, 78 Ohio St. 3d 380, 386-387, 678 N.E.2d 541 (1997)
- State v. Jenks, 61 Ohio St. 3d 259, 574 N.E.2d 492, paragraph two of the syllabus (1991)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- State v. DeHass, 10 Ohio St. 2d 230, 227 N.E.2d 212, paragraph one of the syllabus (1967)
- State v. Lorraine, 66 Ohio St. 3d 414, 423, 613 N.E.2d 212 (1993)
- State v. Hancock, 108 Ohio St. 3d 57, 2006-Ohio-160, 840 N.E.2d 1032, ¶ 64
- State v. Hanna, 95 Ohio St. 3d 285, 2002-Ohio-2221, 767 N.E.2d 678, ¶ 60
- State v. Fautenberry, 72 Ohio St. 3d 435, 440, 650 N.E.2d 878 (1995)
- State v. Lang, 129 Ohio St. 3d 512, 2011-Ohio-4215, 954 N.E.2d 596, ¶ 237
- State v. Greer, 66 Ohio St. 2d 139, 420 N.E.2d 982, paragraph two of the syllabus (1981)
- State v. Sellards, 17 Ohio St. 3d 169, 173, 478 N.E.2d 781 (1985)
- State v. Webb, 70 Ohio St. 3d 325, 337, 638 N.E.2d 1023 (1994)
- State v. Rogers, 17 Ohio St. 3d 174, 478 N.E.2d 984, paragraph six of the syllabus (1985)
- State v. Frazier, 115 Ohio St. 3d 139, 2007-Ohio-5048, 873 N.E.2d 1263, ¶ 183
- State v. Noling, 98 Ohio St. 3d 44, 2002-Ohio-7044, 781 N.E.2d 88, ¶ 101
- State v. Lather, 110 Ohio St. 3d 270, 2006-Ohio-4477, 853 N.E.2d 279, ¶¶ 10-13
- State v. Elmore, 122 Ohio St. 3d 472, 2009-Ohio-3478, 912 N.E.2d 582, ¶ 35
- Oregon v. Ice, 555 U.S. 160, 129 S. Ct. 711, 172 L. Ed. 2d 517 (2009)
- State v. Hairston, 118 Ohio St. 3d 289, 2008-Ohio-2338, 888 N.E.2d 1073, paragraph one (2008)

- State v. Carter, 89 Ohio St. 3d 593, 606-608, 734 N.E.2d 345 (2000)
- State v. Steffen, 31 Ohio St. 3d 111, 125, 509 N.E.2d 383 (1987)
- State v. Jenkins, 15 Ohio St. 3d 164, 473 N.E.2d 264, paragraph one of the syllabus (1984)
- State v. Issa, 93 Ohio St. 3d 49, 69, 752 N.E.2d 904 (2001)
- State v. Ketterer, 111 Ohio St. 3d 70, 2006-Ohio-5283, 855 N.E.2d 48, ¶ 177
- State v. Drummond, 111 Ohio St. 3d 14, 2006-Ohio-5084, 854 N.E.2d 1038, ¶¶ 136, 266
- State v. Brinkley, 105 Ohio St. 3d 231, 2005-Ohio-1507, 824 N.E.2d 959, ¶ 178
- State v. McGuire, 80 Ohio St. 3d 390, 391, 404, 686 N.E.2d 1112 (1997)
- State v. Phillips, 74 Ohio St. 3d 72, 106, 656 N.E.2d 643 (1995)

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