

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, STARK
COUNTY

State v. Biggs

2026-Ohio-2298 (Ohio Ct. App. 5th Dist. 2026) · No. 2025CA00103, 2025CA00104 · Decided June 17, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed the denial of Jay L. Biggs’s motion for leave to file a delayed motion for a new trial and the dismissal of his successive petition for postconviction relief. The court held that newly obtained expert reports and medical guidelines offered new interpretations of evidence available at trial, rather than newly discovered evidence or facts establishing unavoidable prevention under Crim.R. 33 and R.C. 2953.23. The court also held that Biggs was not entitled to an evidentiary hearing.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Stark County
WRITING FOR THE COURT	Craig R. Baldwin, Presiding Judge; Kevin W. Popham, Judge; David M. Gormley, Judge
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Stark County
DECIDED	June 17, 2026
DOCKET	2025CA00103, 2025CA00104
DISPOSITION	affirmed
PROCEDURAL POSTURE	Biggs appealed the Stark County Court of Common Pleas' denial of his motion for leave to file a delayed motion for a new trial and dismissal of his successive petition for postconviction relief without a hearing.
STANDARD OF REVIEW	Denial of leave to file a delayed motion for a new trial and the decision whether to hold an evidentiary hearing on that motion are reviewed for abuse of discretion. Whether a trial court has jurisdiction to entertain an untimely or successive postconviction petition under R.C. 2953.23 is reviewed de novo; denial of a postconviction evidentiary hearing is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Jay L. Biggs v. State of Ohio

TOPICS

post-conviction relief

criminal procedure

appellate procedure

evidence

standard of review

PRACTICE AREAS

Criminal procedure

Postconviction relief

New-trial motions

Appellate procedure

QUESTIONS PRESENTED

1. Whether Biggs established by clear and convincing evidence that he was unavoidably prevented from discovering the evidence underlying his delayed motion for a new trial under Crim.R. 33(B).
2. Whether the trial court was required to hold an evidentiary hearing on the motion for leave to file a delayed motion for a new trial.
3. Whether Biggs satisfied the jurisdictional requirements of R.C. 2953.23 for a successive postconviction petition, including unavoidable prevention from discovering the relevant facts and clear and convincing proof that, absent constitutional error, no reasonable factfinder would have convicted him.
4. Whether the trial court was required to hold a hearing on the successive postconviction petition.

HOLDINGS

1. Later-generated expert reports that reinterpret, criticize, or reweigh medical evidence known at trial are new expert opinions, not newly discovered evidence, and do not establish unavoidable prevention.
2. Medical guidelines and literature that merely summarize, compile, or apply principles available or reasonably discoverable at trial do not constitute newly discovered evidence or establish unavoidable prevention.
3. A trial court may deny leave without an evidentiary hearing when the motion and supporting materials do not facially demonstrate clear and convincing proof of unavoidable prevention.
4. Biggs did not satisfy the jurisdictional requirements for a successive postconviction petition because he failed to show unavoidable prevention from discovering the relevant facts and failed to show by clear and convincing evidence that, absent constitutional error, no reasonable factfinder would have convicted him.
5. No evidentiary hearing was required because the petition, supporting materials, and record did not establish the jurisdictional requirements of R.C. 2953.23.

KEY QUOTATIONS

“A defendant cannot transform existing trial evidence into newly discovered evidence by retaining a new expert to reinterpret it.” (§22)

“R.C. 2953.23(A)(1)(a) speaks in terms of the discovery of facts, not the later discovery of a more favorable expert, a more persuasive litigation theory, or a different interpretation of evidence known at trial.” (§34)

FACTUAL BACKGROUND

Biggs was convicted after a jury trial arising from the death of his infant daughter. The State relied substantially on medical testimony concerning alleged genital injuries and death by smothering or compression, while the defense presented Dr. Werner Spitz to dispute those conclusions. Years later, Biggs obtained expert reports offering different interpretations of the existing medical evidence and relied on medical literature, guidelines, and tissue-slide review in seeking a delayed new trial and successive postconviction relief.

PROCEDURAL HISTORY

Biggs was convicted in 2008 of aggravated murder, murder, rape, and endangering children and was sentenced to life imprisonment without parole. His convictions and several later postjudgment rulings were affirmed. In 2024, he sought leave to file a delayed motion for a new trial and filed a successive postconviction petition based primarily on later expert reports, medical literature, and guidelines. The trial court denied leave and dismissed the petition, and the Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Biggs, 2009-Ohio-6885 (5th Dist.)
- State v. Biggs, 2013-Ohio-3333 (5th Dist.)
- State v. Biggs, 2016-Ohio-5305 (5th Dist.)
- State v. Biggs, 2020-Ohio-6691 (5th Dist.)
- State v. Schiebel, 55 Ohio St.3d 71 (1990)
- State v. Hill, 1992-Ohio-43
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State v. Waddy, 2016-Ohio-4911, ¶17 (10th Dist.)
- State v. Hoover-Moore, 2015-Ohio-4863, ¶13 (10th Dist.)
- Cross v. Ledford, 161 Ohio St. 469 (1954)
- State v. Thornton, 2017-Ohio-637, ¶47 (5th Dist.)
- State v. Thompson, 2012-Ohio-4862, ¶12 (2d Dist.)
- State v. Grad, 2024-Ohio-5710, ¶¶63-64
- State v. Cleveland, 2009-Ohio-397, ¶54 (9th Dist.)
- State v. Apanovitch, 2018-Ohio-4744, ¶36
- State v. Lichtenwalter, 2021-Ohio-1394, ¶45 (5th Dist.)
- State v. Herring, 2007-Ohio-3174, ¶26 (7th Dist.)
- State v. Wilson, 2009-Ohio-2347, ¶¶16-17 (9th Dist.)