

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

State v. Jordan

2020-Ohio-1018 (Ohio Ct. App. 2020) · No. C.A. No. 29403 · Decided March 18, 2020

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the denial of Robert E. Jordan Jr.'s motion to vacate a void judgment. The court held that alleged defects in the original municipal-court complaint and warrant were rendered moot by the subsequent grand-jury indictment, which Jordan did not challenge as insufficiently notifying him of the charges.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jennifer Hensal; Carr, P.J.; Teodosio, J.
JURISDICTION	Ohio
DECIDED	March 18, 2020
DOCKET	C.A. No. 29403
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jordan appealed the Summit County Court of Common Pleas' denial of his motion to vacate a void judgment based on alleged defects in the original municipal-court complaint and arrest warrant.
STANDARD OF REVIEW	The court reviewed whether the trial court erred in denying the motion to vacate a void judgment; the opinion does not state a separately labeled standard of review.
PRECEDENTIAL VALUE	published
PARTIES	Robert E. Jordan, Jr. v. State of Ohio

TOPICS

- criminal procedure
- post-conviction relief
- appellate procedure
- grand jury

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether alleged defects in the original municipal-court complaint and arrest warrant rendered Jordan's grand-jury indictment and resulting conviction void.
2. Whether the trial court erred by denying Jordan's motion to vacate a void judgment.

HOLDINGS

1. The issuance of a grand-jury indictment rendered any alleged defect in the original complaint or warrant moot, where the defendant did not challenge the indictment as failing to provide sufficient notice of the charges.
2. The trial court did not err in denying Jordan's motion to vacate a void judgment, and the assignment of error was overruled.

KEY QUOTATIONS

“Thus, the issuance of a grand jury indictment renders any defect in the complaint or warrant moot.” (§ 6)

“The jurisdiction of a trial court is invoked by a valid indictment or information and is not dependent upon the validity of the process by which the accused is originally apprehended.” (§ 6)

FACTUAL BACKGROUND

A Summit County grand jury indicted Jordan on charges related to the murder of Shawn Dotson. He later pleaded guilty to murder with a firearm specification and aggravated burglary, while the remaining charges were dismissed under the plea agreement. Jordan subsequently challenged his conviction based on alleged defects in the original municipal-court complaint and warrant, including lack of notarization and the absence of a signature on the warrant. He did not challenge the indictment as failing to provide sufficient notice of the charges.

PROCEDURAL HISTORY

A Summit County grand jury indicted Jordan and several codefendants on charges arising from a murder. Jordan pleaded guilty to murder with a firearm specification and aggravated burglary under a plea agreement and received an aggregate sentence of eighteen years to life. His delayed direct appeal challenging the voluntariness of his plea was unsuccessful. After a later post-conviction petition was denied and its appeal voluntarily dismissed, Jordan moved to vacate a void judgment, arguing that the original complaint was not notarized and the warrant was unsigned. The trial court denied that motion, and the Ohio Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Jordan, 9th Dist. Summit No. 27690, 2015-Ohio-4354
- Deutsche Bank Natl. Tr. Co. v. Taylor, 9th Dist. Summit No. 28069, 2016-Ohio-7090, ¶ 14 fn. 1
- Simpson v. Maxwell, 1 Ohio St. 2d 71, 71 (1964)
- State v. Sands, 6th Dist. Huron No. H-14-004, 2014-Ohio-3439, ¶ 7

- Dowell v. Maxwell, 174 Ohio St. 289, 290 (1963)
- State v. Joseph, 73 Ohio St. 3d 450, 456 (1995)
- State v. Rogers, 10th Dist. Franklin No. 17AP-610, 2018-Ohio-1073, ¶ 13
- Clinger v. Maxwell, 175 Ohio St. 540, 541-542 (1964)
- State v. Heard, 9th Dist. Summit No. 27340, 2015-Ohio-664, ¶ 4

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