

SUPREME COURT OF OHIO

State v. Long

2020-Ohio-5363 (Ohio 2020) · No. 2019-0181 · Decided November 24, 2020

SUMMARY

The Supreme Court of Ohio held that the speedy-trial clock begins when an appellate court orders a case remanded after reversing a conviction, and that a motion to dismiss based on speedy-trial grounds does not reset the clock. Applying the *Barker v. Wingo* factors, the court concluded that the delay violated John W. Long's constitutional right to a speedy trial. The court reversed the appellate judgment and vacated Long's conviction.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; French, J.; Donnelly, J.; Stewart, J.; Kennedy, J.; Fischer, J.; DeWine, J.
JURISDICTION	Ohio
DECIDED	November 24, 2020
DOCKET	2019-0181
DISPOSITION	reversed
PROCEDURAL POSTURE	Long appealed the Second District Court of Appeals' affirmance of his convictions after the trial court denied his motions to dismiss based on an alleged constitutional speedy-trial violation following remand from Long's first appeal.
STANDARD OF REVIEW	Speedy-trial claims present a mixed question of law and fact: factual findings are reviewed for competent, credible evidence, while application of law to the facts is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential.
PARTIES	John W. Long v. State of Ohio

TOPICS

[speedy trial](#)[criminal procedure](#)[sixth amendment](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the speedy-trial clock following reversal of a conviction and remand begins on the date the appellate court orders remand.
2. Whether a defendant's motion to dismiss alleging a speedy-trial violation resets the speedy-trial clock.
3. Whether the delay following remand violated Long's constitutional right to a speedy trial under the Sixth Amendment and Article I, Section 10 of the Ohio Constitution.
4. Whether the convictions should be vacated as the remedy for the speedy-trial violation.

HOLDINGS

1. When an appellate court reverses a conviction and remands the case for further proceedings or retrial, the speedy-trial clock begins on the date the appellate court orders the remand.
2. A motion to dismiss alleging a violation of the right to a speedy trial does not reset the speedy-trial clock to zero.
3. Long's constitutional right to a speedy trial was violated because all four Barker factors weighed in his favor.
4. Long's conviction must be vacated.

KEY QUOTATIONS

“Using the motion to dismiss to “reset” the start of the speedy-trial clock back to zero unfairly penalizes a defendant for invoking the speedy-trial right.” (¶ 16)

“We agree with the court of appeals’ conclusion that Long’s pretrial incarceration for a presumptively prejudicial period coupled with the anxiety of pending charges on remand tip the balance of prejudice toward Long.” (¶ 27)

“Because all four Barker factors weigh in Long’s favor, we conclude that Long’s right to a speedy trial was violated after his case was remanded to the trial court for retrial.” (¶ 28)

FACTUAL BACKGROUND

After Long's convictions were reversed and the case was remanded on March 7, 2016, the trial court and the state did not promptly bring the matter to trial. Long remained incarcerated, the state renewed its prior plea offer, and Long requested a trial. He filed speedy-trial motions after substantial delay, including a period of more than nine months during which the case did not materially advance. Long ultimately pleaded no contest to two charges and received an agreed five-year sentence.

PROCEDURAL HISTORY

Long initially pleaded guilty to two counts of aggravated robbery and one count of failure to comply with an order or signal of a police officer and received an aggregate 11-year sentence. The Second District reversed and

remanded because the trial court had not fully advised Long of his constitutional rights during the plea hearing. After more than a year of delay following remand, Long filed speedy-trial motions; the trial court denied them, and Long ultimately pleaded no contest to two other charges and received an agreed five-year sentence. The Second District affirmed, but the Supreme Court of Ohio reversed and vacated the conviction.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand. The court reversed the Second District's judgment and vacated Long's conviction; because Long had been released and completed postrelease control, the court found no need to remand.

CASES CITED

- State v. Hull, 110 Ohio St.3d 183, 2006-Ohio-4252, 852 N.E.2d 706, ¶ 20
- Barker v. Wingo, 407 U.S. 514, 523, 530-533, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972)
- Doggett v. United States, 505 U.S. 647, 652, 654, 656-657, 112 S.Ct. 2686, 120 L.Ed.2d 520 (1992)
- State v. Barnes, 8th Dist. Cuyahoga No. 90847, 2008-Ohio-5472, ¶ 17
- State v. Adams, 144 Ohio St.3d 429, 2015-Ohio-3954, 45 N.E.3d 127, ¶ 90
- State v. Long, 2d Dist. Clark No. 2015-CA-64, 2016-Ohio-837
- State v. Long, 2018-Ohio-5163