

SUPREME COURT OF OHIO

State v. Jones

State v. Jones (Slip Opinion), 2016 Ohio 5105 (Ohio 2016) · No. 2015-1427 · Decided July 27, 2016

SUMMARY

The Supreme Court of Ohio held that a claim of unconstitutional preindictment delay requires a defendant first to establish actual prejudice, after which the state must justify the delay. The court rejected the appellate court’s amorphous fundamental-justice standard, clarified that proven unavailability of evidence or testimony attacking the credibility or weight of the state’s evidence may establish actual prejudice, and reversed and remanded.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	French, J.; O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Kennedy, J.; O'Neill, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	July 27, 2016
DOCKET	2015-1427
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State of Ohio brought a discretionary appeal from an Eighth District Court of Appeals judgment affirming the dismissal of rape and kidnapping charges for unconstitutional preindictment delay.
STANDARD OF REVIEW	The Supreme Court reviewed the court of appeals' legal standard for analyzing a due-process claim based on preindictment delay de novo and remanded for the lower court to apply the correct two-part burden-shifting analysis.
PRECEDENTIAL VALUE	binding
PARTIES	The State of Ohio v. Demetrius Jones

TOPICS

- due process
- speedy trial
- criminal procedure
- appellate procedure
- sixth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard governs a defendant's claim that preindictment delay violated due process?
2. Whether a defendant may establish actual prejudice through the proven unavailability of specific evidence or testimony that would attack the credibility or weight of the state's evidence, even if the evidence is not directly exculpatory.
3. Whether Jones established actual prejudice and whether the state had a justifiable reason for the preindictment delay.

HOLDINGS

1. A preindictment delay violates due process only when it is unjustifiable and causes actual prejudice. The defendant must first establish actual prejudice; only then does the burden shift to the state to produce evidence justifying the delay.
2. The proven unavailability of specific evidence or testimony identified by the defendant and relevant to the defense may satisfy the actual-prejudice requirement when it would minimize or eliminate the impact of the state's evidence, attack its credibility or weight, and aid in establishing a defense. The defendant need not show that the unavailable evidence was directly exculpatory or identify precisely what an unavailable witness would have testified to.
3. The Supreme Court did not decide whether Jones established actual prejudice or whether the state justified the delay; those determinations were left for the court of appeals to make in the first instance under the correct legal standards.

KEY QUOTATIONS

“An unjustifiable delay between the commission of an offense and a defendant’s indictment therefor, which results in actual prejudice to the defendant, is a violation of the right to due process of law” (¶ 12)

“Thus, the proven unavailability of specific evidence or testimony that would attack the credibility or weight of the state’s evidence against a defendant, and thereby aid in establishing a defense, may satisfy the due-process requirement of actual prejudice.” (¶ 25)

“Actual prejudice exists when missing evidence or unavailable testimony, identified by the defendant and relevant to the defense, would minimize or eliminate the impact of the state’s evidence and bolster the defense.” (¶ 28)

FACTUAL BACKGROUND

S.W. reported in September 1993 that Jones had raped and kidnapped her, identified Jones by name and address, and underwent a rape-kit examination. Police made only limited efforts to locate S.W. and did not conduct substantial additional investigation. In 2011 and 2012, the rape kit was tested and DNA evidence ultimately matched Jones; the grand jury indicted him on August 30, 2013, one day before expiration of the then-applicable

twenty-year statute of limitations. Jones claimed prejudice from the death of his mother, who allegedly witnessed events, and the loss of other evidence.

PROCEDURAL HISTORY

The Cuyahoga County Court of Common Pleas dismissed the indictment with prejudice after finding that the nearly twenty-year delay before indictment caused unconstitutional prejudice. The Eighth District affirmed in a divided en banc decision. The Supreme Court of Ohio reversed because the appellate court applied an improper standard and remanded for application of the correct burden-shifting framework.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Eighth District Court of Appeals must reconsider Jones's appeal using the two-part burden-shifting test from Whiting and determine actual prejudice consistently with Luck and this opinion, then address the state's justification for the delay if Jones first establishes actual prejudice.

CASES CITED

- United States v. Marion, 404 U.S. 307, 92 S. Ct. 455, 30 L. Ed. 2d 468 (1971)
- United States v. Lovasco, 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752 (1977)
- State v. Luck, 15 Ohio St. 3d 150, 472 N.E.2d 1097 (1984)
- State v. Whiting, 84 Ohio St. 3d 215, 702 N.E.2d 1199 (1998)
- State v. Adams, 144 Ohio St. 3d 429, 2015-Ohio-3954, 45 N.E.3d 127
- State v. Walls, 96 Ohio St. 3d 437, 2002-Ohio-5059, 775 N.E.2d 829
- State v. Thomas, 8th Dist. Cuyahoga No. 101202, 2015-Ohio-415
- State v. Mack, 8th Dist. Cuyahoga No. 100965, 2014-Ohio-4817
- State v. Doksa, 113 Ohio App. 3d 277, 680 N.E.2d 1043 (8th Dist. 1996)