

SUPREME COURT OF OHIO

State v. Turner

105 Ohio St. 3d 331 (Ohio 2005) · Decided May 11, 2005

SUMMARY

The Ohio Supreme Court affirmed Michael R. Turner's convictions and death sentences for the aggravated murders of his estranged wife and Ronald Seggerman. The court rejected challenges to the validity of Turner's jury waiver and guilty plea, the use of stipulated facts instead of live testimony, the capital specifications, ineffective assistance of counsel, and the sufficiency of the evidence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Donnell, J.; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	May 11, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions and a death sentence entered after Turner waived a jury, pleaded guilty to two counts of aggravated murder with death-penalty specifications, and was sentenced by a three-judge panel.
STANDARD OF REVIEW	The court reviewed the validity of the jury waiver and guilty plea for compliance with constitutional and Ohio-law requirements; ineffective-assistance claims under Strickland v. Washington; the sufficiency of stipulated evidence supporting the convictions and capital specifications; unpreserved merger claims for plain error; and the death sentence independently under R.C. 2929.05(A), including aggravating circumstances, mitigation, and proportionality.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael R. Turner v. State of Ohio

TOPICS

- criminal procedure
- sentencing
- evidence
- right to counsel
- burden of proof

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

evidence

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Turner's written jury waiver was voluntary, knowing, and intelligent despite the court's failure to explain that one juror could prevent imposition of the death penalty.
2. Whether Turner's guilty plea was valid despite the same omission concerning a single juror's ability to block a death sentence.
3. Whether a three-judge panel in a capital aggravated-murder case may find guilt based on stipulated facts admitted as an exhibit instead of requiring live testimony.
4. Whether counsel was ineffective for permitting Turner to plead guilty to the prior-conviction specification based on his Virginia attempted-murder conviction.
5. Whether counsel was ineffective for failing to contest the purposeful nature of Seggerman's killing and the course-of-conduct specification.
6. Whether the evidence was sufficient to support the witness-murder, course-of-conduct, and prior-conviction specifications.
7. Whether the two R.C. 2929.04(A)(5) specifications should have been merged for sentencing.
8. Whether Ohio's death-penalty statutes and the imposition of the death penalty were unconstitutional.
9. Whether the aggravating circumstances outweighed mitigation beyond a reasonable doubt and whether the death sentence was proportionate.

HOLDINGS

1. A written jury waiver signed by the defendant, filed with the court, made in open court after arraignment and opportunity to consult counsel is sufficient to establish a voluntary, knowing, and intelligent waiver; the trial court need not explain that a single juror could prevent a death sentence.
2. A guilty plea in a capital aggravated-murder case is not invalid merely because the court did not specifically inform the defendant that one juror could prevent imposition of a death sentence, where the court otherwise complied with the required constitutional and Crim.R. 11 advisements.
3. A three-judge panel may rely on stipulated facts admitted as evidence to determine guilt in a capital aggravated-murder case; the stipulation satisfies the evidentiary requirement even though the prosecution does not call live witnesses.
4. Counsel was not ineffective for allowing Turner to plead guilty to the prior-conviction specification because specific intent to kill is an essential element of attempted murder under Virginia law.
5. The stipulated facts were sufficient to permit a finding beyond a reasonable doubt that Turner purposefully killed Seggerman and therefore committed a course of conduct involving two or more purposeful killings.
6. The filing of a criminal complaint constitutes 'testimony in any criminal proceeding' for purposes of Ohio Rev. Code § 2929.04(A)(8), and the evidence supported the finding that Turner killed Jennifer in

retaliation for filing her complaints.

7. The prosecution need not introduce the text of a sister state's statute or a journal entry of conviction when the defendant stipulates to the prior conviction; the content of the sister state's law is a question of law and the stipulation supplies proof of the conviction.
8. Turner's claim that the two R.C. 2929.04(A)(5) specifications should merge was waived, and the trial court's failure to merge them did not constitute plain error.
9. The evidence supported the aggravating circumstances, the aggravating circumstances outweighed the mitigating factors beyond a reasonable doubt, and the death sentence was proportionate to sentences affirmed in similar cases.

KEY QUOTATIONS

“a written waiver, signed by the defendant, filed with the court, and made in open court, after arraignment and opportunity to consult with counsel” suffices.” (at 334)

“When a defendant pleads guilty to aggravated murder in a capital case, a three-judge panel is required to examine witnesses and to hear any other evidence properly presented by the prosecution in order to make a Crim.R. 11 determination as to the guilt of the defendant.” (at 337)

“a stipulation, which is agreed to by both parties, is evidence.” (at 338)

“The stipulated facts establish Turner’s purpose to kill.” (at 340)

“Turner’s convictions and sentence of death are therefore affirmed.” (at 348)

FACTUAL BACKGROUND

Turner had a history of violence, including a 1980 Virginia attempted-murder conviction, and engaged in escalating domestic abuse, stalking, and threats against his estranged wife, Jennifer Lyles Turner. After Jennifer filed domestic-violence and telephone-harassment complaints and obtained a temporary protection order, Turner announced plans to kill her and assembled knives, rope, gasoline, and other items. On June 12, 2001, he located Jennifer and Ronald Seggerman near Jennifer's apartment, disabled and stabbed Seggerman, and stabbed Jennifer multiple times; both died. Turner later made statements admitting that he intended to kill Jennifer and that Seggerman had intervened.

PROCEDURAL HISTORY

A Franklin County grand jury indicted Turner for two aggravated murders with prior-calculation-and-design allegations and death-penalty specifications. Turner waived a jury, pleaded guilty to both counts and all specifications, and stipulated to most of the prosecution's supporting facts. The three-judge panel accepted the plea, found him guilty, conducted a mitigation hearing, and imposed death; the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bays, 87 Ohio St. 3d 15, 716 N.E.2d 1126 (1999)
- State v. Jells, 53 Ohio St. 3d 22, 559 N.E.2d 464 (1990)
- State v. Fitzpatrick, 102 Ohio St. 3d 321, 2004-Ohio-3167, 810 N.E.2d 927
- State v. Green, 81 Ohio St. 3d 100, 689 N.E.2d 556 (1998)
- State v. Post, 32 Ohio St. 3d 380, 513 N.E.2d 754 (1987)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- State v. Bradley, 42 Ohio St. 3d 136, 538 N.E.2d 373 (1989)
- Howard v. Commonwealth, 221 Va. 904, 275 S.E.2d 602 (1981)
- Martin v. Commonwealth, 242 Va. 1, 406 S.E.2d 15 (1991)
- Epps v. Commonwealth, 216 Va. 150, 216 S.E.2d 64 (1975)
- State v. Tibbetts, 92 Ohio St. 3d 146, 749 N.E.2d 226 (2001)
- State v. Burke, 73 Ohio St. 3d 399, 653 N.E.2d 242 (1995)
- State v. Dunlap, 73 Ohio St. 3d 308, 652 N.E.2d 988 (1995)
- State v. Clark, 38 Ohio St. 3d 252, 527 N.E.2d 844 (1988)
- State v. Filiaggi, 86 Ohio St. 3d 230, 714 N.E.2d 867 (1999)
- State v. Jenkins, 15 Ohio St. 3d 164, 473 N.E.2d 264 (1984)
- State v. Barnes, 94 Ohio St. 3d 21, 759 N.E.2d 1240 (2002)
- State v. Jalowiec, 91 Ohio St. 3d 220, 744 N.E.2d 163 (2001)
- State v. O'Neal, 87 Ohio St. 3d 402, 721 N.E.2d 73 (2000)
- State v. Wiles, 59 Ohio St. 3d 71, 571 N.E.2d 97 (1991)
- State v. Yarbrough, 95 Ohio St. 3d 227, 2002-Ohio-2126, 767 N.E.2d 216
- State v. Coleman, 85 Ohio St. 3d 129, 707 N.E.2d 476 (1999)
- State v. Smith, 87 Ohio St. 3d 424, 721 N.E.2d 93 (2000)
- State v. Taylor, 78 Ohio St. 3d 15, 676 N.E.2d 82 (1997)
- State v. Awkal, 76 Ohio St. 3d 324, 667 N.E.2d 960 (1996)
- State v. Braden, 98 Ohio St. 3d 354, 2003-Ohio-1325, 785 N.E.2d 439