

SUPREME COURT OF OHIO

State v. Jones

91 Ohio St. 3d 335 (Ohio 2001) · Decided April 18, 2001

SUMMARY

The Ohio Supreme Court reviewed Odraye G. Jones’s convictions and death sentence for the aggravated murder of an Ashtabula police officer. Jones raised multiple claims concerning voir dire, juror bias, venue, counsel substitution, evidentiary rulings, and the sufficiency of evidence supporting prior calculation and design. The court affirmed the convictions and sentence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Francis E. Sweeney, Sr., J.; Moyer, C.J.; Douglas, J.; Cook, J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; Sweeney, J.
JURISDICTION	Ohio
DECIDED	April 18, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal as of right from a judgment imposing convictions for aggravated murder and related death-penalty and firearm specifications, and a sentence of death.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. Unpreserved errors are reviewed for plain error. Decisions concerning continuances and substitution of counsel are reviewed for abuse of discretion. The death sentence is independently reviewed for appropriateness and proportionality.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Ohio
PARTIES	Odraye G. Jones v. State of Ohio

TOPICS

- sentencing
- criminal procedure
- jury selection
- ineffective assistance
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court improperly restricted voir dire concerning specific mitigating factors.
2. Whether the jury-selection process and challenges for cause violated Jones's rights to an impartial jury, a representative cross-section, or equal protection.
3. Whether denial of a continuance and substitution of counsel violated the Sixth Amendment.
4. Whether medical evidence concerning the victim's injuries and treatment, other challenged evidence, and Jones's statements were admissible.
5. Whether the evidence was sufficient to establish prior calculation and design and the R.C. 2929.04(A)(3) aggravating circumstance.
6. Whether the trial court's guilt-phase and penalty-phase jury instructions constituted reversible or plain error.
7. Whether the R.C. 2929.04(A)(3) and (A)(6) aggravating circumstances were duplicative and required merger.
8. Whether prosecutorial misconduct occurred during voir dire, penalty-phase argument, and witness examination.
9. Whether Jones received ineffective assistance of counsel.
10. Whether Ohio's death-penalty law and the sentence imposed were constitutional, appropriate, and proportionate.

HOLDINGS

1. A trial court is not required during voir dire to discuss or permit questioning about specific mitigating factors because jurors cannot properly weigh particular factors until they have heard the evidence and received the legal instructions.
2. A defendant does not establish a Sixth Amendment fair-cross-section violation merely by showing that the particular jury panel was underrepresentative; the defendant must prove that a distinctive group was unfairly represented, that the underrepresentation was unreasonable, and that it resulted from systematic exclusion.
3. A defendant has only a presumptive right to chosen counsel, and a trial court may deny substitution and a continuance when the request is untimely, would substantially disrupt an already commenced trial, and the record shows no total breakdown in communication with existing counsel.
4. Prior calculation and design requires more than momentary deliberation and is determined from the totality of the facts and circumstances; there is no bright-line test.
5. The State must prove beyond a reasonable doubt that the defendant committed the prior offense for which he sought to avoid apprehension under the R.C. 2929.04(A)(3) death-penalty specification.

6. The R.C. 2929.04(A)(3) and (A)(6) aggravating circumstances need not merge when they arise from a divisible course of conduct involving separate acts and separate animuses.
7. To establish ineffective assistance, a defendant must prove deficient performance and resulting prejudice, meaning a reasonable probability that the result would have been different absent counsel's errors.
8. The death sentence was appropriate and proportionate because the R.C. 2929.04(A)(3) and (A)(6) aggravating circumstances outweighed the mitigating evidence beyond a reasonable doubt and the sentence was not excessive or disproportionate compared with similar cases.

KEY QUOTATIONS

*“ “[T]he phrase ‘prior calculation and design’ * * * indicated] studied care in planning or analyzing the means of the crime as well as a scheme encompassing the death of the victim.” ” (at 345)*

“ We find that the defendant’s commission of the prior offense constitutes an essential element of the R.C. 2929.04(A)(3) specification.” (at 347)

*“ “[W]hile the right to select and be represented by one’s preferred attorney is comprehended by the Sixth Amendment, the essential aim of the Amendment is to guarantee an effective advocate * * * rather than to ensure that a defendant will inexorably be represented by the lawyer whom he prefers.” ” (at 342)*

FACTUAL BACKGROUND

Police pursued Jones after receiving information that he had outstanding felony warrants and had been seen in Ashtabula. Jones had previously told his cousin that he was facing substantial prison time for robbing Isaac Coleman and would shoot at police if they attempted to arrest him. When Officer William Glover approached him, Jones fled, then drew a .38-caliber revolver loaded with hollow-point ammunition and shot Glover at close range several times before fleeing and kicking the wounded officer. Glover died the next morning, and the firearm and ammunition recovered from Jones were linked to the shooting.

PROCEDURAL HISTORY

Jones was convicted by a jury of aggravated murder with prior calculation and design, death-penalty specifications, and a firearm specification after the shooting death of Officer William Glover. The jury recommended death, and the trial court adopted that recommendation and imposed a consecutive three-year mandatory firearm term. The Supreme Court of Ohio considered Jones's fifteen propositions of law, independently reviewed the death sentence for appropriateness and proportionality, and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Wilson, 74 Ohio St. 3d 381, 659 N.E.2d 292 (1996)
- State v. Lundgren, 73 Ohio St. 3d 474, 653 N.E.2d 304 (1995)

- State v. Dunlap, 73 Ohio St. 3d 308, 652 N.E.2d 988 (1995)
- State v. Jenkins, 15 Ohio St. 3d 164, 473 N.E.2d 264 (1984)
- Wainwright v. Witt, 469 U.S. 412 (1985)
- State v. Sheppard, 84 Ohio St. 3d 230, 703 N.E.2d 286 (1998)
- State v. Smith, 80 Ohio St. 3d 89, 684 N.E.2d 668 (1997)
- State v. Webb, 70 Ohio St. 3d 325, 638 N.E.2d 1023 (1994)
- State v. Moore, 81 Ohio St. 3d 22, 689 N.E.2d 1 (1998)
- Taylor v. Louisiana, 419 U.S. 522 (1975)
- Duren v. Missouri, 439 U.S. 357 (1979)
- State v. Fulton, 57 Ohio St. 3d 120, 566 N.E.2d 1195 (1991)
- United States v. Buchanan, 213 F.3d 302 (6th Cir. 2000)
- United States v. Rioux, 97 F.3d 648 (2d Cir. 1996)
- United States v. Ireland, 62 F.3d 227 (8th Cir. 1995)
- State v. Unger, 67 Ohio St. 2d 65, 423 N.E.2d 1078 (1981)
- Wheat v. United States, 486 U.S. 153 (1988)
- State v. Keenan, 81 Ohio St. 3d 133, 689 N.E.2d 929 (1998)
- United States v. Jennings, 83 F.3d 145 (6th Cir. 1996)
- State v. Joseph, 73 Ohio St. 3d 450, 653 N.E.2d 285 (1995)
- State v. Lorraine, 66 Ohio St. 3d 414, 613 N.E.2d 212 (1993)
- State v. Fautenberry, 72 Ohio St. 3d 435, 650 N.E.2d 878 (1995)
- State v. Raglin, 83 Ohio St. 3d 253, 699 N.E.2d 482 (1998)
- State v. Stallings, 89 Ohio St. 3d 280, 731 N.E.2d 159 (2000)
- State v. Reed, 65 Ohio St. 2d 117, 418 N.E.2d 1359 (1981)
- State v. White, 82 Ohio St. 3d 16, 693 N.E.2d 772 (1998)
- State v. Carter, 64 Ohio St. 3d 218, 594 N.E.2d 595 (1992)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- In re Winship, 397 U.S. 358 (1970)
- State v. Hessler, 90 Ohio St. 3d 108, 734 N.E.2d 1237 (2000)
- State v. Getsy, 84 Ohio St. 3d 180, 702 N.E.2d 866 (1998)
- State v. Cotton, 56 Ohio St. 2d 8, 381 N.E.2d 190 (1978)
- State v. Price, 60 Ohio St. 2d 136, 398 N.E.2d 772 (1979)
- State v. Gumm, 73 Ohio St. 3d 413, 653 N.E.2d 253 (1995)
- State v. Brooks, 75 Ohio St. 3d 148, 661 N.E.2d 1030 (1996)
- State v. Goff, 82 Ohio St. 3d 123, 694 N.E.2d 916 (1998)
- State v. Allen, 73 Ohio St. 3d 626, 653 N.E.2d 675 (1995)
- State v. Mitts, 81 Ohio St. 3d 223, 690 N.E.2d 522 (1998)
- State v. Lott, 51 Ohio St. 3d 160, 555 N.E.2d 293 (1990)

- State v. Fox, 69 Ohio St. 3d 183, 631 N.E.2d 124 (1994)
- State v. Keene, 81 Ohio St. 3d 646, 693 N.E.2d 246 (1998)
- State v. Coleman, 85 Ohio St. 3d 129, 707 N.E.2d 476 (1999)
- Darden v. Wainwright, 477 U.S. 168 (1986)
- State v. Steffen, 31 Ohio St. 3d 111, 509 N.E.2d 383 (1987)
- State v. Stephens, 24 Ohio St. 2d 76, 263 N.E.2d 773 (1970)
- State v. Palmer, 80 Ohio St. 3d 543, 687 N.E.2d 685 (1997)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Bradley, 42 Ohio St. 3d 136, 538 N.E.2d 373 (1989)
- State v. Hill, 75 Ohio St. 3d 195, 661 N.E.2d 1068 (1996)
- State v. Coleman, 45 Ohio St. 3d 298, 544 N.E.2d 622 (1989)
- State v. Johnson, 88 Ohio St. 3d 95, 723 N.E.2d 1054 (2000)
- State v. Glenn, 28 Ohio St. 3d 451, 504 N.E.2d 701 (1986)
- State v. Souel, 53 Ohio St. 2d 123, 372 N.E.2d 1318 (1978)

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