

SUPREME COURT OF OHIO

State v. Blanton

2022 Ohio 3985 (Ohio 2022) · No. 2021-0172 · Decided November 10, 2022

SUMMARY

The Supreme Court of Ohio held that res judicata does not bar a postconviction ineffective-assistance-of-counsel claim when the claim cannot be meaningfully reviewed without evidence outside the trial record. The court declined to overrule State v. Cole and reaffirmed Ohio’s two-part framework for determining whether such claims are barred and whether they warrant an evidentiary hearing. Applying that framework, the court affirmed the judgment of the Fourth District Court of Appeals denying relief on Denny Blanton’s postconviction claims.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	DeWine, J.; Kennedy, J.; Fischer, J.; Donnelly, J.; Brunner, J.; O'Connor, C.J.; Stewart, J.
JURISDICTION	Ohio
DECIDED	November 10, 2022
DOCKET	2021-0172
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Fourth District Court of Appeals affirming the Adams County Court of Common Pleas' dismissal, without an evidentiary hearing, of Blanton's petitions for postconviction relief challenging convictions from a rape and kidnapping case and a jail assault and kidnapping case.
STANDARD OF REVIEW	The court reviewed whether the postconviction petitions alleged substantive grounds for relief and whether the claims were barred by res judicata. A postconviction court may dismiss a petition without a hearing when the petition and record do not establish substantive grounds for relief; the court may assess supporting affidavits, but sworn affidavits should not lightly be deemed false and the basis for discounting them should be explained.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Denny Blanton v. The State of Ohio

TOPICS

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QUESTIONS PRESENTED

1. Whether Ohio should abandon or modify the rule that res judicata bars postconviction ineffective-assistance claims when the claims could have been fully adjudicated on direct appeal.
2. Whether an ineffective-assistance claim is barred by res judicata when meaningful review requires evidence outside the trial record, including evidence that was known or available to the defense at trial.
3. Whether Blanton's individual ineffective-assistance claims established substantive grounds for postconviction relief warranting an evidentiary hearing.
4. Whether Blanton's due-process claim based on the State's failure to preserve jail video was barred by res judicata when the defense knew of the alleged failure during the trial-court proceedings.
5. Whether the court of appeals improperly made an initial credibility determination concerning affidavits supporting the postconviction petition.

HOLDINGS

1. Ohio retains the rule that res judicata does not bar a postconviction ineffective-assistance-of-counsel claim when the claim cannot be meaningfully reviewed without resorting to evidence outside the trial record. A claim that could have been fully adjudicated on direct appeal is barred.
2. When a postconviction ineffective-assistance claim relies on evidence outside the record, the court must separately determine whether the petitioner introduced competent outside-the-record evidence and whether that evidence, if believed together with the trial record, would establish deficient performance and prejudice.
3. An ineffective-assistance claim is not barred merely because the evidence supporting it was known or available to the defense at trial. If the trial record does not demonstrate the existence or significance of the evidence, the claim may be raised in postconviction proceedings.
4. The limited exception to res judicata for outside-the-record ineffective-assistance claims does not extend to other constitutional claims. A due-process claim based on the State's failure to preserve evidence is barred when the defense knew of the alleged violation and could have fully litigated it during the trial proceedings.
5. A trial court may assess the credibility of affidavits supporting a postconviction petition and reject purely frivolous claims, but an appellate court may not make that credibility determination in the first instance.

KEY QUOTATIONS

“Where [a] defendant, represented by new counsel upon direct appeal, fails to raise therein the issue of competent trial counsel and said issue could fairly have been determined without resort to evidence dehors the record, res judicata is a proper basis for dismissing [the] defendant’s petition for postconviction relief.” (¶ 30)

“Such claims are not procedurally barred if they cannot be meaningfully reviewed without resorting to evidence outside the trial record.” (¶ 111)

FACTUAL BACKGROUND

Blanton was convicted of raping and kidnapping a fifteen-year-old girl after a jury rejected his claim that their sexual encounter was consensual. In a separate case, he was convicted of felonious assault and kidnapping for participating in a jail attack that seriously injured a cellmate. He later filed postconviction petitions alleging that trial counsel was ineffective in several respects, including failures to present evidence, call witnesses, advise him about testifying, and pursue judicial disqualification. He also alleged that the State violated due process by failing to preserve additional jail video footage.

PROCEDURAL HISTORY

Blanton was convicted in separate jury trials of rape and kidnapping, and of felonious assault and kidnapping. The Fourth District affirmed both sets of convictions. Blanton then filed postconviction-relief petitions alleging ineffective assistance of counsel and, in the jail case, a due-process violation arising from destroyed video evidence. The trial court dismissed the petitions, and the Fourth District affirmed. The Supreme Court of Ohio affirmed the court of appeals’ judgment, though it disagreed with some of the lower courts’ res judicata analyses.

DISPOSITION

affirmed

CASES CITED

- State v. Perry, 10 Ohio St.2d 175, 226 N.E.2d 104 (1967)
- State v. Cole, 2 Ohio St.3d 112, 443 N.E.2d 169 (1982)
- State v. Milanovich, 42 Ohio St.2d 46, 325 N.E.2d 540 (1975)
- State v. Lester, 41 Ohio St.2d 51, 322 N.E.2d 656 (1975)
- McMullen v. Maxwell, 3 Ohio St.2d 160, 209 N.E.2d 449 (1965)
- State v. Smith, 17 Ohio St.3d 98, 101, 477 N.E.2d 1128 (1985)
- Massaro v. United States, 538 U.S. 500, 123 S.Ct. 1690, 155 L.Ed.2d 714 (2003)
- State v. Bradley, 42 Ohio St.3d 136, 538 N.E.2d 373 (1989)
- State v. Madrigal, 87 Ohio St.3d 378, 398, 721 N.E.2d 52 (2000)
- State v. Geeslin, 116 Ohio St.3d 252, 2007-Ohio-5239, 878 N.E.2d 1
- Arizona v. Youngblood, 488 U.S. 51, 57-58, 109 S.Ct. 333, 102 L.Ed.2d 281 (1988)
- State v. Calhoun, 86 Ohio St.3d 279, 714 N.E.2d 905 (1999)

- Estate of Ridley v. Hamilton Cty. Bd. of Mental Retardation & Dev. Disabilities, 102 Ohio St.3d 230, 2004-Ohio-2629, 809 N.E.2d 2
- In re Timken Mercy Med. Ctr., 61 Ohio St.3d 81, 572 N.E.2d 673 (1991)
- Eze v. Senkowski, 321 F.3d 110, 129 (2d Cir. 2003)

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