

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

State v. Diallo

2025-Ohio-5812 (10th Dist. 2025) · No. 23AP-496 · Decided December 30, 2025

SUMMARY

The Ohio Tenth District Court of Appeals reviewed a reopened appeal concerning whether the defendant’s constitutional speedy-trial rights were violated and whether prior appellate counsel was ineffective for failing to raise that claim. The court held that the delays were primarily attributable to joint continuances and ongoing discovery, that the defendant was not prejudiced, and that no speedy-trial violation occurred. The court therefore overruled both assignments of error and confirmed its prior judgment affirming the convictions.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Dorrian, J.; Beatty Blunt, J.; Boggs, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	December 30, 2025
DOCKET	23AP-496
DISPOSITION	affirmed
PROCEDURAL POSTURE	Reopened criminal appeal under Ohio Appellate Rule 26(B), limited to review of whether prior appellate counsel was ineffective for failing to raise a constitutional speedy-trial claim.
STANDARD OF REVIEW	The court independently applied the Barker v. Wingo balancing test to the constitutional speedy-trial claim. For ineffective assistance of appellate counsel, the court considered whether counsel omitted a meritorious assignment of error; appellate counsel is not ineffective for failing to raise a meritless claim.
PRECEDENTIAL VALUE	published
PARTIES	Mamadou Aliou Diallo v. State of Ohio

TOPICS

- speedy trial
- ineffective assistance
- criminal procedure
- appellate procedure
- sixth amendment

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate practice

post-conviction relief

QUESTIONS PRESENTED

1. Whether the approximately 650-day period between Diallo's arrest and trial violated his constitutional right to a speedy trial under the Sixth and Fourteenth Amendments.
2. Whether Diallo's prior appellate counsel was ineffective for failing to raise the constitutional speedy-trial issue on direct appeal.

HOLDINGS

1. Diallo was not deprived of his constitutional right to a speedy trial because, after the presumptively prejudicial delay triggered review, the Barker factors did not weigh sufficiently in his favor. The delay was largely attributable to joint continuances and defense-related investigation and discovery, Diallo's assertion of the right did not outweigh the waivers and circumstances of the continuances, and he failed to show impairment of his defense.
2. Prior appellate counsel was not ineffective because the omitted speedy-trial assignment of error was meritless.

KEY QUOTATIONS

"Length of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant." (¶ 9)

"Based on the foregoing, under the particular facts of this case, appellant was not deprived of his right to a speedy trial as guaranteed under the Sixth and Fourteenth Amendments to the United States Constitution." (¶ 25)

"Because appellant has failed to establish that his prior appellate counsel was ineffective in failing to present an assignment of error on direct appeal asserting a claim that his speedy trial rights were violated, we overrule appellant's second assignment of error." (¶ 27)

FACTUAL BACKGROUND

Diallo was arrested on September 30, 2021, after reporting a fire at his home in which firefighters found his wife deceased with a cable tied around her neck and severe burns to her upper body. The cause of death was determined to be ligature strangulation and thermal burns. He remained incarcerated before trial, which began on July 12, 2023, approximately 650 days after his arrest. Much of the delay resulted from joint continuances for investigation, discovery, negotiations, new counsel, and scheduling, and the record showed no impairment of the defense caused by the delay.

PROCEDURAL HISTORY

Diallo was convicted after a jury trial in the Franklin County Court of Common Pleas of two counts of murder and one count each of aggravated arson, tampering with evidence, and abuse of a corpse. The trial court imposed

an aggregate prison term of a minimum of 27 years to life and a potential maximum of 31 years to life. The Tenth District affirmed on direct appeal in *State v. Diallo*, 2025-Ohio-920. It later granted reopening for the limited purpose of considering ineffective assistance of appellate counsel based on failure to raise a speedy-trial claim. On reopening, the court rejected both the speedy-trial claim and the ineffective-assistance claim and confirmed its prior judgment.

DISPOSITION

affirmed

CASES CITED

- *State v. Diallo*, 2025-Ohio-920 (10th Dist.)
- *State v. Diallo*, No. 23AP-496 (10th Dist. Sept. 30, 2025)
- *State v. Leyh*, 2022-Ohio-292, ¶¶ 25, 37
- *State v. Clark*, 2025-Ohio-4410, ¶ 24
- *Barker v. Wingo*, 407 U.S. 514, 530-33 (1972)
- *State v. Smith*, 2021-Ohio-1936, ¶ 38 (10th Dist.)
- *State v. Keaton*, 2017-Ohio-7036, ¶ 9 (10th Dist.)
- *State v. King*, 70 Ohio St.3d 158, 160 (1994)
- *State v. McBreen*, 54 Ohio St.2d 315 (1978)
- *State v. Glass*, 2011-Ohio-6287, ¶ 17 (10th Dist.)
- *State v. Watson*, 2013-Ohio-5603, ¶ 29 (10th Dist.)
- *State v. Williams*, 2023-Ohio-1002, ¶ 36 (10th Dist.)
- *State v. Lee*, 2007-Ohio-1594, ¶ 3 (10th Dist.)
- *State v. O'Brien*, 24 Ohio St.3d 7 (1987)