

SUPREME COURT OF OHIO

State v. Gilbert

143 Ohio St. 3d 150, 2014-Ohio-4562 (2014) · No. 2013-0382 · Decided October 21, 2014

SUMMARY

The Supreme Court of Ohio held that once a defendant has been sentenced and a final judgment has been entered, the trial court lacks jurisdiction to entertain the state's motion to vacate the guilty plea and sentence based on an alleged breach of the plea agreement. The court affirmed the First District Court of Appeals and remanded for reinstatement of the original sentence. The dissent argued that the trial court possessed inherent authority to vacate the judgment because the defendant had allegedly perpetrated a fraud on the court.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Neill, J.; O'Connor, C.J.; Pfeifer, J.; Lanzinger, J.; French, J.; O'Donnell, J.; Kennedy, J.
JURISDICTION	Ohio
DECIDED	October 21, 2014
DOCKET	2013-0382
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the First District Court of Appeals' decision reversing a trial court order that vacated Gilbert's original guilty plea and sentence after the State alleged that he breached a plea agreement.
STANDARD OF REVIEW	De novo review of the trial court's authority and subject-matter jurisdiction to vacate a final criminal judgment.
PRECEDENTIAL VALUE	Published, binding precedent of the Supreme Court of Ohio
PARTIES	The State of Ohio v. Kareem Gilbert

TOPICS

- criminal procedure
- plea bargaining
- final judgment rule
- appellate procedure
- contracts

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether a trial court retains jurisdiction after sentencing to vacate a defendant's guilty plea and final sentence because the defendant allegedly breached a plea agreement.
2. Whether the defendant's entry into a second plea agreement conferred or restored jurisdiction in the trial court.
3. Whether the State's double-jeopardy argument was properly before the court.

HOLDINGS

1. Once a defendant has been sentenced and a valid final judgment has been entered, the trial court does not have jurisdiction to entertain the State's motion to vacate the guilty plea and sentence based on the defendant's alleged violation of a plea agreement.
2. A defendant cannot confer subject-matter jurisdiction on a trial court by consenting to or entering a second plea after the court has lost jurisdiction over the final judgment.
3. The State's double-jeopardy argument was moot because the court affirmed the appellate judgment on the independent ground that the trial court lacked authority to vacate the final judgment and resentence Gilbert.

KEY QUOTATIONS

“Once a defendant has been sentenced by a trial court, that court does not have jurisdiction to entertain a motion by the state to vacate the defendant’s guilty plea and sentence based upon the defendant’s alleged violation of a plea agreement.” (¶ 13)

“Once a final judgment has been issued pursuant to Crim.R. 32, the trial court’s jurisdiction ends.” (¶ 9)

FACTUAL BACKGROUND

Gilbert entered a written plea agreement under which he pleaded guilty to reduced charges and received an agreed 18-year sentence in exchange for cooperating with the State and testifying against his father. The trial court accepted the plea and sentenced him on the same day, before Gilbert performed the promised cooperation. Approximately one year later, the State alleged that Gilbert had failed to cooperate and moved to vacate the plea and sentence; the trial court granted the motion, accepted a second plea, and resentenced him to 18 years to life.

PROCEDURAL HISTORY

Gilbert was indicted, entered a plea agreement, and was sentenced in May 2010. One year later, the trial court granted the State's motion to vacate the original plea and sentence based on Gilbert's alleged failure to cooperate, accepted a second plea, and imposed a sentence of 18 years to life. The First District reversed, holding that the trial court lacked authority to reconsider its valid final judgment after sentencing. The Supreme Court of Ohio affirmed and remanded for further proceedings consistent with its opinion.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court for further proceedings consistent with the opinion, including vacating the May 2011 order that granted the State's motion to vacate the original plea and sentence and reinstating the May 2010 sentence.

CASES CITED

- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- State v. Lester, 130 Ohio St. 3d 303, 2011-Ohio-5204, 958 N.E.2d 142, ¶ 1
- State v. Carlisle, 131 Ohio St. 3d 127, 2011-Ohio-6553, 961 N.E.2d 671, ¶¶ 1, 11
- Miller v. Nelson-Miller, 132 Ohio St. 3d 381, 2012-Ohio-2845, 972 N.E.2d 568, ¶ 18
- Strack v. Pelton, 70 Ohio St. 3d 172, 175, 637 N.E.2d 914 (1994)
- Knapp v. Knapp, 24 Ohio St. 3d 141, 144-145, 493 N.E.2d 1353 (1986)
- State v. Bethel, 110 Ohio St. 3d 416, 2006-Ohio-4853, 854 N.E.2d 150, ¶ 50
- State v. Adkins, 161 Ohio App. 3d 114, 2005-Ohio-2577, 829 N.E.2d 729
- State v. Gilroy, 195 Ohio App. 3d 173, 2011-Ohio-4163, 959 N.E.2d 19
- Commodity Futures Trading Comm. v. Schor, 478 U.S. 833, 106 S. Ct. 3245, 92 L. Ed. 2d 675 (1986)
- State v. Flynt, 44 Ohio App. 2d 315, 317, 73 O.O.2d 373, 338 N.E.2d 554 (1975)
- Colley v. Colley, 43 Ohio St. 3d 87, 92, 538 N.E.2d 410 (1989)

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