

SUPREME COURT OF OHIO

State v. Thomas

2017-Ohio-8011 (Ohio 2017) · No. 2012-2026 · Decided October 4, 2017

SUMMARY

The Supreme Court of Ohio reversed Joseph L. Thomas’s aggravated-murder and other felony convictions and death sentence and remanded for a new trial. The court held that the trial court committed prejudicial plain error by admitting five knives unrelated to the charged crimes, reasoning that the evidence improperly suggested Thomas’s dangerous character and was not harmless in light of the circumstantial evidence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Justice O'Donnell; Chief Justice O'Connor; Justice O'Neill; Justice French; Justice Fischer; Justice Kennedy; Justice DeWine
JURISDICTION	Ohio
DECIDED	October 4, 2017
DOCKET	2012-2026
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal as of right from aggravated-murder and other felony convictions and a death sentence imposed by the Lake County Court of Common Pleas.
STANDARD OF REVIEW	Plain-error review under Ohio Crim.R. 52(B); the defendant must show an obvious legal error affecting substantial rights, meaning a reasonable probability that the error affected the outcome, and correction remains discretionary to prevent a manifest miscarriage of justice.
PRECEDENTIAL VALUE	published
PARTIES	Joseph L. Thomas v. State of Ohio

TOPICS

- character evidence
- evidence
- criminal procedure
- appellate procedure
- harmless error

PRACTICE AREAS

criminal law

criminal procedure

evidence

capital litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court committed plain error by admitting five knives unrelated to the charged crimes.
2. Whether admission of the unrelated knives violated Ohio Evid.R. 404(B) and R.C. 2945.59 by allowing the jury to infer that Thomas acted in conformity with a violent character.
3. Whether the knife evidence was prejudicial enough to affect Thomas's substantial rights and require reversal.

HOLDINGS

1. The trial court committed plain error by admitting five knives that were unrelated to McSween's murder and that the prosecution used to portray Thomas as a person of violent character.
2. The admission of the knives affected Thomas's substantial rights because there was a reasonable probability that the highly prejudicial character evidence affected the outcome of the trial.
3. Because the knife evidence constituted prejudicial plain error, Thomas's convictions and death sentence must be reversed and the matter remanded for a new trial.

KEY QUOTATIONS

*“the fact that a person collects knives or other weapons does not tend to make it more probable that the person is experienced with the use of knives and intends to use a knife to cause serious injury to others. * * * Possession and use are not equivalent.” (¶ 37)*

“It is apparent that the state offered this evidence to portray Thomas as a person of violent character who had acted in conformity with his propensity to kill—a use of evidence prohibited by Evid.R. 404(B) and R.C. 2945.59.” (¶ 48)

“This evidence painted Thomas as someone with bad character and allowed the jury to convict him on the basis that he acted in conformity with it, violating Evid.R. 404(B).” (¶ 49)

FACTUAL BACKGROUND

Annie McSween was murdered after working as a bartender at Mario's Lakeway Lounge on November 25-26, 2010. Thomas had been at the bar, was seen with a pocketknife, and was among the last patrons to leave; McSween's body was later found nearby with extensive injuries, including fatal stab wounds and evidence of strangulation and sexual assault. Investigators did not recover the murder weapon or forensic evidence directly connecting Thomas to the killing, although they found burned remnants of McSween's clothing in a barrel behind the residence where Thomas lived and obtained partial DNA results that did not exclude him. At trial, the prosecution introduced five knives seized from Thomas's possessions even though it conceded that none was used in the murder.

PROCEDURAL HISTORY

A jury convicted Thomas of aggravated murder, kidnapping, rape, aggravated robbery, tampering with evidence, and related capital specifications. The trial court merged the aggravated-murder counts, imposed a death sentence, and imposed an aggregate 33-year prison sentence on the remaining convictions. Thomas appealed directly to the Supreme Court of Ohio, which reversed the convictions and death sentence based on the admission of unrelated knives and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Lake County Court of Common Pleas for a new trial in accordance with Lockhart v. Nelson and State v. Brewer.

CASES CITED

- State v. Quarterman, 140 Ohio St. 3d 464, 2014-Ohio-4034, 19 N.E.3d 900
- State v. Barnes, 94 Ohio St. 3d 21, 27, 759 N.E.2d 1240 (2002)
- State v. Rogers, 143 Ohio St. 3d 385, 2015-Ohio-2459, 38 N.E.3d 860
- United States v. Dominguez Benitez, 542 U.S. 74, 81-83, 124 S. Ct. 2333, 159 L. Ed. 2d 157 (2004)
- State v. Long, 53 Ohio St. 2d 91, 372 N.E.2d 804 (1978)
- State v. Williams, 134 Ohio St. 3d 521, 2012-Ohio-5695, 983 N.E.2d 1278
- United States v. Goliday, 145 Fed. Appx. 502, 506 (6th Cir. 2005)
- United States v. Matsunaga, 158 Fed. Appx. 783, 785 (9th Cir. 2005)
- United States v. Tarazon, 989 F.2d 1045, 1053 (9th Cir. 1993)
- United States v. Warledo, 557 F.2d 721, 725 (10th Cir. 1977)
- State v. Crosby, 186 Ohio App. 3d 453, 2010-Ohio-1584, 928 N.E.2d 795
- State v. Robinson, 7th Dist. Jefferson No. 05 JE 8, 2007-Ohio-3501
- Major v. Commonwealth, 177 S.W.3d 700, 710 (Ky. 2005)
- Kaufman v. People, 202 P.3d 542, 555 (Colo. 2009)
- State v. Neyland, 139 Ohio St. 3d 353, 2014-Ohio-1914, 12 N.E.3d 1112
- State v. Webb, 70 Ohio St. 3d 325, 335, 638 N.E.2d 1023 (1994)
- State v. Trimble, 122 Ohio St. 3d 297, 2009-Ohio-2961, 911 N.E.2d 242
- State v. Bennett, 11th Dist. Ashtabula No. 2002-A-0020, 2005-Ohio-1567
- Walker v. United States, 490 F.2d 683, 684-685 (8th Cir. 1974)
- State v. Rupe, 101 Wash. 2d 664, 683 P.2d 571 (1984)
- Agatheas v. State, 77 So. 3d 1232 (Fla. 2011)
- People v. Drake, 142 Mich. App. 357, 370 N.W.2d 355 (1985)
- Tornero v. United States, 94 A.3d 1, 15 (D.C. 2014)

- State v. Heyder, 10th Dist. Franklin No. 13AP-298, 2014-Ohio-1066
- Tot v. United States, 319 U.S. 463, 467, 63 S. Ct. 1241, 87 L. Ed. 1519 (1943)
- Lockhart v. Nelson, 488 U.S. 33, 42, 109 S. Ct. 285, 102 L. Ed. 2d 265 (1988)
- State v. Brewer, 121 Ohio St. 3d 202, 2009-Ohio-593, 903 N.E.2d 284

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