

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Dooley

2020-Ohio-3947 (Ohio Ct. App. 2020) · No. CT2019-0054 · Decided August 3, 2020

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed Jason F. Dooley’s conviction and seven-month prison sentence for felony escape. The court held that the trial court’s inquiry into Dooley’s psychiatric medication sufficiently established that his guilty plea was knowing, intelligent, and voluntary under Ohio Criminal Rule 11. The court also rejected his ineffective-assistance claim based on counsel’s failure to request a waiver of court costs.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Patricia A. Delaney; W. Scott Gwin, P.J.; Patricia A. Delaney, J.; Earle E. Wise, Jr., J.
JURISDICTION	Ohio
DECIDED	August 3, 2020
DOCKET	CT2019-0054
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the sentencing entry of the Muskingum County Court of Common Pleas after pleading guilty to fifth-degree-felony escape.
STANDARD OF REVIEW	The voluntariness, intelligence, and knowing nature of a guilty plea are reviewed de novo. The decision whether to waive court costs is reviewed for abuse of discretion. Ineffective-assistance claims are analyzed under Strickland v. Washington and State v. Bradley.
PRECEDENTIAL VALUE	published Ohio Court of Appeals opinion
PARTIES	Jason F. Dooley v. State of Ohio

TOPICS

- criminal procedure
- ineffective assistance
- right to counsel
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court violated Crim.R. 11 or constitutional requirements by failing to conduct further inquiry after Dooley stated that psychiatric medication did not affect his ability to understand the guilty-plea proceedings.
2. Whether trial counsel provided ineffective assistance by failing to request a waiver of court costs at sentencing.

HOLDINGS

1. The trial court was not required to conduct additional inquiry after Dooley unequivocally stated that his psychiatric medication did not affect his ability to understand the proceedings, and the totality of the plea colloquy established that his guilty plea was knowing, intelligent, and voluntary.
2. Dooley failed to establish ineffective assistance because counsel's failure to request waiver of costs did not violate an essential duty and Dooley failed to show a reasonable probability that the trial court would have waived costs had counsel made the request.

KEY QUOTATIONS

“An appellate court determining whether a guilty plea was entered knowingly, intelligently, and voluntarily conducts a de novo review of the record to ensure that the trial court complied with the constitutional and procedural safeguards.” (¶ 10)

“Akin to the facts of State v. Back, when Dooley answered that the medication did not affect his ability to understand the proceedings, further inquiry by the trial court was not necessary.” (¶ 19)

“a determination of indigency alone does not rise to the level of creating a reasonable probability that the trial court would have waived costs had defense counsel moved the court to do so” (¶ 32)

FACTUAL BACKGROUND

Dooley was indicted for fifth-degree-felony escape and ultimately pleaded guilty. During the plea colloquy, he disclosed that he was taking psychiatric medication but expressly stated that the medication did not affect his ability to understand the proceedings. The record also showed that he understood the trial rights he was waiving, the maximum penalties, post-release control, and the plea proceedings. Dooley was found indigent for purposes of appointed counsel, but trial counsel did not request waiver of court costs at sentencing.

PROCEDURAL HISTORY

A Muskingum County grand jury indicted Dooley for escape. He initially pleaded not guilty, later entered a guilty plea after a Crim.R. 11 colloquy, and was sentenced to seven months in prison. He appealed, arguing that the trial court inadequately investigated whether his psychiatric medication affected his plea and that counsel was ineffective for failing to request waiver of court costs.

DISPOSITION

affirmed

CASES CITED

- State v. Hurt, 2020-Ohio-2754
- State v. Veney, 120 Ohio St. 3d 176, 2008-Ohio-5200, 897 N.E.2d 621
- State v. Engle, 74 Ohio St. 3d 525, 660 N.E.2d 450 (1996)
- State v. Moore, 2014-Ohio-3024
- State v. Ballard, 66 Ohio St. 2d 473, 423 N.E.2d 115 (1981)
- State v. Clark, 119 Ohio St. 3d 239, 2008-Ohio-3748, 893 N.E.2d 462
- State v. Carter, 60 Ohio St. 2d 34, 396 N.E.2d 757 (1979)
- State v. Montanez, 2020-Ohio-1023
- State v. Back, 2020-Ohio-451
- State v. Davis, 159 Ohio St. 3d 31, 2020-Ohio-309, 146 N.E.3d 560
- State v. Bradley, 42 Ohio St. 3d 136, 538 N.E.2d 373 (1989)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- State v. Sallie, 81 Ohio St. 3d 673, 693 N.E.2d 267 (1998)
- State v. Clayton, 62 Ohio St. 2d 45, 402 N.E.2d 1189 (1980)
- State v. Eblin, 2020-Ohio-1216
- State v. Braden, 158 Ohio St. 3d 462, 2019-Ohio-4204, 145 N.E.3d 235
- State v. Farnese, 2015-Ohio-3533
- State v. Purifoy, 2019-Ohio-2942
- State v. Southam, 2018-Ohio-5288
- State v. Moore, 2019-Ohio-4609
- State v. Boyd, 2013-Ohio-1333
- State v. Conway, 109 Ohio St. 3d 412, 2006-Ohio-2815
- State v. McCall, 2017-Ohio-7860
- State v. Phillips, 74 Ohio St. 3d 72, 656 N.E.2d 643 (1995)