Table of Contents

CHAPTER 2. FOURTH AMENDMENT RIGHTS

§ 2:7 Fourth Amendment—An overview

CHAPTER 3. PRIVATE SEARCHES

§ 3:2 Governmental search requirement
§ 3:4 Government expansion of private searches
§ 3:6 Private security guards

CHAPTER 4. FOURTH AMENDMENT—SEARCHES

§ 4:2 Development of privacy approach
§ 4:5 Expectations of privacy—Later cases
§ 4:6 Right of privacy—Possible change in course
§ 4:6.10 Right of privacy—Possible change in course—Trespass on "private farms" *[New]*
§ 4:7 Persons and physical characteristics
§ 4:8 Homes, apartments and hotels
§ 4:10 Curtilage of the home
§ 4:11 Aerial surveillance
§ 4:11.50 Abandoned Property *[New]*
§ 4:14 Automobiles
§ 4:16 Dog sniffing
§ 4:18 Technological enhancement
§ 4:19 Eavesdropping, wiretapping and surveillance cameras
§ 4:20 Right of Privacy—Pen Registers *[Retitled]*
§ 4:21 Right of privacy—E-mail messages *[Retitled]*
§ 4:21.10 Right of privacy—Instant messaging *[New]*
§ 4:21.20 Right of privacy—Cell phones *[New]*
§ 4:21.25 Right of privacy—Cell phones—Cell-site location information (CSLI) *[New]*
§ 4:21.30 Right of privacy—Fourth Amendment protection of property interests from unreasonable seizures *[New]*
§ 4:21.40 Right of privacy—Fifth Amendment implications for compulsory disclosure of passwords and/or plaintext *[Retitled]*
§ 4:22 Right of privacy—Beepers *[Retitled]*
§ 4:23 Right of privacy—Bank records *[Retitled]*
§ 4:24 Right of privacy—Prisons and jails *[Retitled]*
§ 4:25 Right of privacy—Field tests of drugs *[Retitled]*
§ 4:26 Right of privacy—Public bathrooms *[Retitled]*
§ 4:27 Videoing police officers *[New]*
§ 4:28 Legalization of marijuana *[New]*

CHAPTER 5. PROBABLE CAUSE

§ 5:4 Arrest and search requirements distinguished

§ 5:5 Staleness
§ 5:6 Warrant and warrantless searches distinguished
§ 5:7 Probable cause—Defined
§ 5:8 Probable cause based upon direct evidence
§ 5:8.50 Probable cause—Nexus of evidence to place to be searched *[New]*
§ 5:11 Circumstantial proof—Association with criminals
§ 5:13 Reasonable suspicion escalating into probable cause
§ 5:14 Sources of probable cause information—Informants *[Retitled]*
§ 5:15 Confidential informants—*Spinelli-Aguilar* test
§ 5:16 Confidential informants—*Gates* approach
§ 5:17 Probable cause derived from internet communications
§ 5:18 Suppression hearing review of probable cause
§ 5:18.10 Probable cause established by perjured information *[New]*
§ 5:19 Informant's privilege
§ 5:20 Anticipatory search warrants

CHAPTER 6. ARRESTS

§ 6:3 Effect of an illegal arrest
§ 6:3.10 Resisting arrest *[New]*
§ 6:3.20 Resisting arrest—Lawful arrest requirement *[New]*
§ 6:4 Warrantless felony arrests in public places
§ 6:6 Warrantless misdemeanor arrests—"In presence" rule
§ 6:7 Warrantless misdemeanor arrests—"In presence" rule—DUI cases
§ 6:8 Minor misdemeanors
§ 6:9 Extraterritorial misdemeanor arrests
§ 6:10 Arrests by private citizens
§ 6:11 Use of force to arrest

CHAPTER 7. ARREST WARRANT AND SUMMONS

§ 7:2 Complaint and affidavit
§ 7:3 Authority to issue arrest warrants
§ 7:4 Form of the warrant and summons
§ 7:9 Entry of dwelling to arrest
§ 7:15 Summons required—Minor misdemeanor
§ 7:16 Execution and return of summons
§ 7:17 Malicious prosecution *[New]*

CHAPTER 8. SEARCH WARRANT REQUIREMENT

§ 8:5 The current approach

CHAPTER 9. ISSUANCE OF SEARCH WARRANTS

§ 9:1 Introduction
§ 9:2 Authority to issue search warrants
§ 9:3 Neutral and detached magistrate requirement
§ 9:4 Place of search—Third-party searches
§ 9:9 Affidavit requirement
§ 9:12 Perjured affidavits
§ 9:14 Nighttime warrants

§ 9:16 Particularity requirement—Places and persons to be searched
§ 9:17 Particularity requirement—Items to be seized
§ 9:17.10 Search warrants for electronically stored information *[New]*

CHAPTER 10. EXECUTION OF SEARCH WARRANTS

§ 10:2 Time of execution—3-day rule
§ 10:3 Place of execution
§ 10:4 Knock and announce rule
§ 10:5 Inventory and return
§ 10:6 Adherence to the terms of a search warrant
§ 10:8 Detention of persons during execution
§ 10:9 Search of persons on premises

CHAPTER 11. SEARCHES OF HOUSES AND STRUCTURES

§ 11:2 Preferred status of houses
§ 11:3 Exigent circumstances—In general
§ 11:4 Exigency—Fire scenes
§ 11:5 Exigency—Murder scenes
§ 11:6 Exigency—Methamphetamine labs
§ 11:7 Exigency—Protective sweeps
§ 11:8 Exigency—Protection of persons
§ 11:9 Exigency—Destruction of evidence
§ 11:10 Entry to arrest resident
§ 11:11 Entry to arrest non-resident
§ 11:12 Hot pursuit
§ 11:13 Securing houses while awaiting warrant

CHAPTER 12. SEARCH INCIDENT TO ARREST

§ 12:1 Introduction
§ 12:2 Validity of arrest
§ 12:5 "Grabbing distance"—Defined
§ 12:6 Search of arrestee's person
§ 12:6.10 Search of Arrestee's Person—Use of Force to Retrieve Evidence *[New]*
§ 12:8 Delayed searches incident to arrest
§ 12:9 Searches of containers
§ 12:9.50 Search of a cell phone incident to arrest *[New]*
§ 12:10 Stationhouse inventory

CHAPTER 13. SEARCH INCIDENT IN AUTOMOBILES AND HOMES

§ 13:2 Search incident—Automobiles—*Belton* rule
§ 13:3 *Arizona v. Gant [Retitled]*
§ 13:4 Search following a traffic citation
§ 13:8 Search incident—Protective sweeps

CHAPTER 14. AUTOMOBILE EXCEPTION

§ 14:1 Introduction

§ 14:2 Development of the automobile exception
§ 14:3 Automobile exception—Requirements
§ 14:4 Search—Containers in vehicle
§ 14:5 Mobile homes
§ 14:6 Parked automobiles
§ 14:7 Inventory searches—In general
§ 14:8 Inventory searches—Lawful impoundment
§ 14:9 Inventory searches—Pretextual searches
§ 14:10 Inventory searches—Scope of inventory
§ 14:11 Searches incident to arrest—Compared

CHAPTER 15. AUTOMOBILE STOPS

§ 15:1 Introduction
§ 15:2 Traffic stops *[Retitled]*
§ 15:2.10 Determining the constitutionality of a vehicle stop *[New]*
§ 15:2.20 Vehicle stop on suspicion of traffic law violation *[New]*
§ 15:2.30 Consensual encounters of vehicles *[New]*
§ 15:2.50 Preserving videotape of traffic stop *[New]*
§ 15:3 Request for license/registration
§ 15:4 *Miranda* and interrogation
§ 15:6 Ordering driver and passengers to exit
§ 15:7 Frisk of occupants
§ 15:8 Protective inspection of car interior
§ 15:9 Dog sniffing *[Retitled]*
§ 15:10 Expanding the inquiry of a traffic offense to other offenses
§ 15:11 Consensual search of an automobile incident to a traffic stop *[Retitled]*
§ 15:12 Nonconsensual search following traffic citation
§ 15:13 Fixed checkpoints—License
§ 15:14 Fixed checkpoints—Sobriety checkpoints
§ 15:15 Fixed checkpoints—Drug interdiction roadblocks
§ 15:17 Stops of commercial vehicles
§ 15:18 Testing for drunk driving
§ 15:18.10 Automatic license suspension *[New]*
§ 15:19 Regulation of breath-testing equipment
§ 15:19.10 Regulation of urine samples *[New]*
§ 15:19.20 Speed measuring devices *[New]*
§ 15:20 Consent to have blood drawn

CHAPTER 16. PLAIN VIEW SEIZURES

§ 16:3 Plain view and open view distinguished
§ 16:5 Lawful presence—Authorized by warrant exception
§ 16:6 Lawful intrusion—Other situations
§ 16:7 Probable cause requirement
§ 16:8 Closed containers
§ 16:9 Inadvertence requirement
§ 16:10 Plain feel
§ 16:11 Plain smell

CHAPTER 17. SEARCHES OF THE PERSON

§ 17:2 Use of force to obtain evidence
§ 17:3 Blood extraction

§ 17:6 Strip and body cavity searches

CHAPTER 18. STOP AND FRISK

§ 18:1 Introduction
§ 18:2 *Terry v. Ohio*
§ 18:3 Stops—Defined
§ 18:4 Order to stop
§ 18:5 Police chases

CHAPTER 19. STOP AND FRISK II

§ 19:2 Reasonable suspicion—Federal constitutional standard *[Retitled]*
§ 19:3 Reasonable suspicion—Sources of information *[Retitled]*
§ 19:4 Reasonable suspicion—Anonymous sources of information *[Retitled]*
§ 19:5 Reasonable suspicion—Profiles *[Retitled]*
§ 19:6 Reasonable suspicion—Flight from police *[Retitled]*
§ 19:7 Application of the reasonable suspicion standard in Ohio *[Retitled]*
§ 19:8 Application of the reasonable suspicion standard in Ohio—Furtive movements *[Retitled]*
§ 19:9 Application of the reasonable suspicion standard in Ohio—High crime area *[Retitled]*
§ 19:10 Dissipation of reasonable suspicion
§ 19:10.50 Outstanding Warrants *[New]*
§ 19:11 Requests for identification and information
§ 19:12 Requests for fingerprints
§ 19:13 Duration of detention
§ 19:14 Escalation of stop to probable cause to arrest
§ 19:15 Frisk—Purpose
§ 19:16 Frisk—Reasonable suspicion
§ 19:17 Frisk—Scope
§ 19:18 Detention of property

CHAPTER 20. ADMINISTRATIVE SEARCHES

§ 20:3 Administrative searches—Reasonableness test
§ 20:4 Administrative warrants
§ 20:5 Warrantless administrative searches—Regulated industries
§ 20:6 Border searches
§ 20:9 Special circumstances searches—School searches—Students
§ 20:10 Special circumstances searches—School searches—Lockers
§ 20:11 Special circumstances searches—School searches—Dorm rooms
§ 20:13 Special circumstances searches—Public employee searches
§ 20:14 Special circumstances searches—Employee drug testing
§ 20:15 Special circumstances searches—Probationer and parolee searches *[Retitled]*
§ 20:15.10 Special circumstances searches—Searches of prison and jail visitors *[New]*
§ 20:19 DNA searches

CHAPTER 21. CONSENT SEARCHES

§ 21:1 Introduction
§ 21:2 Voluntariness test

§ 21:3 Voluntariness test—Claim of authority
§ 21:4 Voluntariness test—Deception
§ 21:5 Voluntariness test—After traffic stops
§ 21:5.10 Voluntariness standard—Burden of proof *[New]*
§ 21:6 Scope of consent
§ 21:7 Revocation of consent
§ 21:9 Third-party consent—In general
§ 21:10 Third-party consent—Bypassing the target
§ 21:11 Third-party consent—Family members

CHAPTER 23. CONFESSIONS—VOLUNTARINESS TEST

§ 23:2 Ohio Rules of Evidence in confession cases
§ 23:4 Development of the voluntariness test
§ 23:5 Voluntariness test summarized
§ 23:6 Voluntariness test and *Miranda* distinguished
§ 23:7 Voluntariness test after *Miranda*
§ 23:8 Proving voluntariness in Ohio *[Retitled]*
§ 23:9 Government participation requirement

CHAPTER 24. *MIRANDA V. ARIZONA*

§ 24:5.10 Recording custodial interrogations *[New]*
§ 24:8 *Miranda* warnings—In general
§ 24:9 *Miranda* warnings—Correct language
§ 24:10 *Miranda* warnings—Right to terminate questioning
§ 24:15 *Miranda* warnings—Delayed warnings
§ 24:16 Multiple warnings
§ 24:17 Exception—Public safety
§ 24:25 Polygraph cases

CHAPTER 25. *MIRANDA*—CUSTODIAL INTERROGATION

§ 25:2 Custody—In general
§ 25:3 Custody—By private persons
§ 25:4 Custody—Stationhouse questioning
§ 25:5 Custody—Probationer
§ 25:6 Custody—Outside the stationhouse
§ 25:7 Custody—Traffic stops
§ 25:7.10 Distinguishing between Terry stops and arrests for Miranda warnings *[New]*
§ 25:8 Interrogation—In general
§ 25:9 Interrogation—Volunteered statements
§ 25:10 Interrogation—Defined
§ 25:11 Interrogation—Functional equivalent
§ 25:13 Interrogation—Preliminary booking questions
§ 25:15 Interrogation—Jail plants

CHAPTER 26. *MIRANDA* WAIVER AND RESUMPTION OF QUESTIONING

§ 26:3 Waiver—Post-*Miranda* cases
§ 26:4 Waiver—Juveniles

§ 26:5 Invoking the *Miranda* right to remain silent
§ 26:7 Invoking the *Miranda* right to counsel
§ 26:8 Resuming interrogation after right to counsel asserted

CHAPTER 27. CONFESSIONS—SIXTH AMENDMENT RIGHT TO COUNSEL

§ 27:4 Right to counsel—Attachment
§ 27:5 Different crimes—Case-specific right
§ 27:6 "Deliberate elicitation" requirement
§ 27:8 Waiver
§ 27:9 Multiple interrogations

CHAPTER 28. LINE-UPS AND PRETRIAL IDENTIFICATIONS

§ 28:1 Introduction
§ 28:2 Eyewitness identifications—Problems
§ 28:3 Procedures—Line-ups, show-ups, video and photo identifications
§ 28:3.10 Ohio statutory procedures *[New]*
§ 28:5 Expert witnesses
§ 28:5.10 Cross racial identification instruction *[New]*
§ 28:7 Mug shots
§ 28:9 Right to counsel—*U.S. v. Wade*
§ 28:13 Right to counsel—Independent basis; in-court identifications
§ 28:14 Due process analysis
§ 28:15 Due process—Ohio cases *[Retitled]*
§ 28:18 Motion to suppress

CHAPTER 29. EXCLUSIONARY RULE

§ 29:4 Exclusionary rule—Ohio Constitution
§ 29:5 Exclusionary rule—Statutes
§ 29:6 Exclusionary rule—Criminal rules
§ 29:9 Other proceedings

CHAPTER 30. GOOD FAITH EXCEPTION TO EXCLUSIONARY RULE

§ 30:2 *U.S. v. Leon*
§ 30:3 Objective standard
§ 30:4 Limitation—"Bare bones" probable cause
§ 30:5 Limitation—Inadequate particularization
§ 30:6 Limitation—Warrant procedures
§ 30:8 Perjured affidavits
§ 30:10 Nature of the excusable error
§ 30:11 Warrantless searches
§ 30:14 Procedural issues
§ 30:15 Good faith exception in Ohio *[New]*
§ 30:16 Good Faith Exception in Ohio—Court Error *[New]*
§ 30:17 Good Faith Exception in Ohio—Police Error *[New]*
§ 30:18 Good faith exception—Expansion to warrantless searches *[New]*

CHAPTER 31. IMPEACHMENT EXCEPTION TO THE EXCLUSIONARY RULE

§ 31:8 Right to counsel violations
§ 31:12 Impeachment use of silence—Evidence issue
§ 31:13 Constitutional issue—Post-*Miranda* silence
§ 31:14 Pre-arrest silence
§ 31:15 Post-arrest—Pre-*Miranda* silence

CHAPTER 32. DERIVATIVE EVIDENCE

§ 32:4 Fruits of Fourth Amendment violations
§ 32:5 Fruits of an illegal confession
§ 32:7 Causal connection requirement
§ 32:8 Attenuation rule
§ 32:9 Independent source rule
§ 32:10 Inevitable discovery rule

CHAPTER 33. STANDING

§ 33:2 General principles
§ 33:3 Third-party standing—Targets and coconspirators
§ 33:5 Interest in place searched
§ 33:6 Interest in property seized
§ 33:6.50 Standing—Abandoned property *[New]*

CHAPTER 34. MOTIONS TO SUPPRESS

§ 34:2 General Principles
§ 34:3 Suppression motions—In general
§ 34:4 Suppression motions—Notice
§ 34:5 Suppression motions—Timeliness
§ 34:5.10 Illegal arrests—Dismissal *[New]*
§ 34:6 Burden of proof—Searches with warrants
§ 34:7 Burden of proof—Warrantless searches
§ 34:7.10 Burden of proof—Terry stops and warrantless arrests *[New]*
§ 34:8 Burden of proof—DUI tests
§ 34:10 Burden of proof—Confessions
§ 34:11 Burden of proof—Identification evidence
§ 34:12 Burden of proof—Derivative evidence
§ 34:13 Suppression hearings—Factual basis
§ 34:14 Suppression hearings—Rules of evidence
§ 34:16 Challenging on appeal trial court's ruling on Motion to Suppress
§ 34:17 Appeals—Prosecution
§ 34:18 Appeals—Defense
§ 34:18.05 Harmless error: Losing when winning *[New]*
§ 34:18.07 Demise of *Anders* rule *[New]*
§ 34:18.10 De Novo Review of Questions of Law *[New]*

Table of Contents

CHAPTER 35. COMPLAINT

§ 35:1 Introduction
§ 35:2 Essential elements of charge
§ 35:3.50 Multiple offenses *[New]*
§ 35:4 Oath requirement
§ 35:5 Amendment
§ 35:7 Citizen's complaint
§ 35:12 Traffic cases

CHAPTER 36. INITIAL APPEARANCE

§ 36:2 Procedure
§ 36:4 Right to counsel
§ 36:5 Rule 5(A) violations
§ 36:6 Timeliness—Unnecessary delay

CHAPTER 37. BAIL AND PREVENTIVE DETENTION

§ 37:3 Ohio Constitution
§ 37:6 Types of pretrial release
§ 37:7 Release conditions
§ 37:8 Amendment of conditions
§ 37:10 Relevant factors in release decision
§ 37:11 Excessive bail cases
§ 37:14 Continuation of bonds
§ 37:16 Habeas corpus and appeals

CHAPTER 38. PRELIMINARY HEARINGS

§ 38:3 Jurisdiction
§ 38:5 Time limits
§ 38:6 Intervening indictment
§ 38:11 Findings

CHAPTER 39. GRAND JURY PROCEDURE

§ 39:13 Presence in jury room
§ 39:22 Grand jury secrecy
§ 39:25 Jail visitation
§ 39:28 Grand jury reform *[New]*

CHAPTER 40. INDICTMENTS AND INFORMATION

§ 40:2 Right to indictment
§ 40:3 Waiver of right to indictment
§ 40:5 Nature and contents

§ 40:6 Surplusage
§ 40:7 Amendments to the indictment
§ 40:9 Bill of particulars
§ 40:10 Challenges to the indictment

CHAPTER 41. RIGHTS OF GRAND JURY WITNESSES

§ 41:15 Rights of victims in grand jury proceedings *[New]*

CHAPTER 42. ARRAIGNMENT AND PLEAS

§ 42:3 Accused's presence

CHAPTER 43. GUILTY PLEAS

§ 43:1 Introduction
§ 43:2 Right to counsel
§ 43:3 Counsel—Waiver
§ 43:5 Counsel—Ineffective assistance
§ 43:6 Mental competence
§ 43:8 Procedure for accepting guilty pleas
§ 43:10 Understanding nature of charges
§ 43:11 Understanding the penalty
§ 43:12 Understanding effect of plea
§ 43:13 Understanding the waiver of rights
§ 43:14 *Alford* pleas
§ 43:15 Factual basis requirement
§ 43:17 Rule 11—Compliance
§ 43:18 Capital cases
§ 43:20 Effect—On appeal and collateral attack
§ 43:20.50 Effect—On appeal and collateral attack—Miscarriage of justice exception to appeal waivers *[New]*

CHAPTER 44. PLEA BARGAINING

§ 44:2 Role in criminal justice system
§ 44:3 Constitutionality of plea bargaining
§ 44:5 Prosecution threats
§ 44:6 Broken agreements—By prosecution
§ 44:7 Broken agreements—By defense
§ 44:10 Rights of victims in plea proceedings *[New]*

CHAPTER 45. NO CONTEST PLEAS

§ 45:1 Introduction
§ 45:2 Guilty pleas distinguished
§ 45:3 Effect on appeals
§ 45:5 Procedure for accepting no contest plea

CHAPTER 46. WITHDRAWAL OF GUILTY PLEAS

§ 46:2 Criminal Rule 32.1
§ 46:3 Presentence withdrawal
§ 46:4 Postsentence withdrawal

§ 46:6 Victim's right to be heard *[New]*

CHAPTER 47. PRETRIAL MOTIONS

§ 47:3 Permissive motions
§ 47:4 Required motions
§ 47:6 Prosecution notice to use evidence
§ 47:9 Waiver—Failure to raise issue
§ 47:12 Prosecution appeals from orders suppressing or excluding evidence *[Retitled]*
§ 47:13 Prosecution appeals from orders requiring pretrial disclosure of materials being withheld by prosecution *[New]*
§ 47:13.50 Marsy's law *[New]*
§ 47:14 Interlocutory defense appeals *[New]*
§ 47:15 Prosecution notice to use evidence *[New]*

CHAPTER 48. PRETRIAL CONFERENCE

§ 48:2 Procedure
§ 48:5 Procedure in capital cases *[New]*

CHAPTER 49. DEFENSE DISCOVERY

§ 49:1 Introduction
§ 49:3 Underlying policy
§ 49:4 Discovery requests and motions
§ 49:5 Time limits
§ 49:6 Accused—Written and recorded statements
§ 49:7 Accused—Oral statements
§ 49:8 Accused—Prior criminal records
§ 49:9 Codefendant—Statements
§ 49:10 Documents and tangible objects
§ 49:11 Scientific and medical reports
§ 49:12 Witnesses—Lists and addresses
§ 49:13 Witnesses—Protecting identity
§ 49:14 Witnesses—Prior criminal records
§ 49:15 Witnesses—Statements
§ 49:16 Favorable evidence
§ 49:18 Grand jury transcripts
§ 49:19 Prosecution deals
§ 49:20 Prosecution work product
§ 49:21 Continuing duty to disclose
§ 49:22 Court regulation of discovery
§ 49:23 Discovery sanctions
§ 49:24 Public records act
§ 49:25 Victim's right to oppose discovery *[New]*

CHAPTER 50. *BRADY* RULE AND DISCLOSURE

§ 50:1 Introduction
§ 50:7 *Kyles v. Whitley*
§ 50:8 Post-*Kyles* cases
§ 50:9 Ohio cases
§ 50:10 Duty to disclose and Criminal Rule 16
§ 50:11 Duty to preserve evidence

CHAPTER 51. PROSECUTION DISCOVERY

§ 51:1 Introduction to prosecution discovery *[Retitled]*
§ 51:3 Criminal Rule 16
§ 51:4 Documents and objects
§ 51:5 Scientific and medical reports
§ 51:5.50 Exculpatory evidence *[New]*
§ 51:6 Witness lists
§ 51:6.50 Expert reports *[New]*
§ 51:7 Witness statements
§ 51:8 Defense work product
§ 51:9 Continuing duty to disclose
§ 51:10 Court regulation of discovery
§ 51:11 Discovery sanctions

CHAPTER 52. NOTICE OF ALIBI

§ 52:3 Time limit and service
§ 52:6 Prosecution use
§ 52:7 Ineffective assistance

CHAPTER 53. DEPOSITIONS

§ 53:1 Introduction
§ 53:7 Right to attend
§ 53:13 Preservation of testimony pursuant to Crim. R. 16 *[New]*

CHAPTER 54. COMPETENCY TO STAND TRIAL

§ 54:2 Right to a competency hearing
§ 54:4 Mental evaluation
§ 54:6 Counsel, waiver, and guilty pleas
§ 54:8 Findings

CHAPTER 55. JURISDICTION

§ 55:10 Joint jurisdiction—Double jeopardy
§ 55:12 Juveniles *[New]*

CHAPTER 56. VENUE

§ 56:6 Conspiracy, attempt, and complicity
§ 56:9 Course-of-conduct offenses
§ 56:12 Proof of venue
§ 56:16.50 Grounds for change—Emergency *[New]*

CHAPTER 57. JOINDER AND SEVERANCE OF OFFENSES

§ 57:3 Joinder of offenses—Criminal Rule 8(A)
§ 57:5 Severance—Criminal Rule 14
§ 57:8 Severance—Character and bad acts
§ 57:9 Motion to sever—Procedure
§ 57:10 Duplicity
§ 57:11 Allied offenses of similar import
§ 57:12 Multiplicity and double jeopardy

CHAPTER 58. JOINDER AND SEVERANCE OF DEFENDANTS

§ 58:7 Guilt by association
§ 58:9 Codefendant's confession (*Bruton* rule)
§ 58:11 Motion to sever

CHAPTER 59. SPEEDY TRIAL—CONSTITUTIONAL AND RELATED ISSUES

§ 59:3 Sixth Amendment—*Barker* test
§ 59:4 Sixth Amendment—Attachment of right
§ 59:8 Due process—Pre-accusation delay
§ 59:10 Ohio Constitution
§ 59:11 Ohio prisoners

CHAPTER 60. SPEEDY TRIAL STATUTE

§ 60:2 Speedy trial statutes
§ 60:5 Statutory time limits
§ 60:6 Counting time
§ 60:9 Extension—Accused's mental-physical incapacity
§ 60:11 Extension—Delay due to accused's conduct
§ 60:12 Extension—Defense motions or other action
§ 60:15 Extension—Continuances
§ 60:15.50 Extension—Interlocutory appeals or writ action by a party or victim *[New]*
§ 60:16.50 Extension—COVID related *[New]*
§ 60:17 Waiver of time limit
§ 60:18 Remedies for unexcused delay
§ 60:20 Common errors

CHAPTER 61. COMPULSORY PROCESS AND SUBPOENAS

§ 61:4 Subpoena for witnesses
§ 61:12 Federal government witnesses *[New]*

CHAPTER 62. TRIAL BY JURY

§ 62:3 Ohio law
§ 62:6 Sentencing
§ 62:8 Jury size
§ 62:9 Unanimous verdicts
§ 62:10 Waiver of jury trial
§ 62:11 Waiver—Opposed by state

CHAPTER 63. JURY SELECTION

§ 63:7 Alternate jurors

CHAPTER 64. VOIR DIRE AND CHALLENGES

§ 64:2 Voir dire
§ 64:3 Challenges for cause
§ 64:4 Peremptory challenges

§ 64:5 *Batson v. Kentucky*—Prosecution strikes
§ 64:6 *Batson v. Kentucky*—Prima facie case
§ 64:8 *Batson v. Kentucky*—Defense strikes
§ 64:9 Capital cases

CHAPTER 65. JURY VERDICTS AND SEQUESTRATION

§ 65:6 Return of verdict
§ 65:9 Inconsistent verdicts
§ 65:12 Jury misconduct

CHAPTER 66. FAIR TRIAL AND FREE PRESS

§ 66:3 Gag orders
§ 66:5 Change of venue

CHAPTER 67. ACCUSED'S PRESENCE AT TRIAL

§ 67:2 Constitutional right and Criminal Rule 43
§ 67:3 Proceedings covered
§ 67:7 Corporate defendants *[New]*

CHAPTER 68. CONSTITUTIONAL TRIAL ISSUES

§ 68:3 Right to public trial
§ 68:3.50 Right of victim to be present at trial *[New]*
§ 68:9 Closing argument
§ 68:10 Stipulation of prior convictions *[New]*

CHAPTER 69. RIGHT OF CONFRONTATION

§ 69:4 Right to "face-to-face" confrontation
§ 69:6 Limits on cross-examination

CHAPTER 70. PRIVILEGE AGAINST SELF-INCRIMINATION

§ 70:5.50 Employment investigations of public servants (*Garrity*) *[New]*
§ 70:7 Compulsion requirement
§ 70:11 Other witnesses' privilege

CHAPTER 71. JURY INSTRUCTIONS

§ 71:1 Introduction
§ 71:3 "Elements of crime" and venue instructions
§ 71:4 Lesser-included offenses, complicity and attempt
§ 71:5 Instructions on defenses
§ 71:6 Burden of proof instructions
§ 71:9 Evidentiary instructions
§ 71:11 Written jury instructions
§ 71:16 Appellate review

CHAPTER 72. DOUBLE JEOPARDY CLAUSE

§ 72:3 Dual sovereign doctrine

§ 72:4 Criminal-civil offenses

CHAPTER 73. DOUBLE JEOPARDY—"SAME OFFENSE"

§ 73:2 "Same offense" defined
§ 73:5 Same offense—Lesser-included offenses
§ 73:7 New charges based on subsequent developments
§ 73:9 Collateral estoppel
§ 73:10 Allied offenses of similar import

CHAPTER 74. DOUBLE JEOPARDY—"TWICE IN JEOPARDY"

§ 74:2 Attachment of jeopardy
§ 74:3 Guilty pleas and plea agreements
§ 74:4 Mistrials—In general
§ 74:6 Mistrials—Hung juries
§ 74:11 Directed verdicts
§ 74:15 Appeals—Implied acquittals—Lesser included offenses
§ 74:16 Appeals—Insufficient evidence
§ 74:18 Resentencing at retrial
§ 74:19 Capital cases
§ 74:20 Prosecution appeals
§ 74:21 Appeal of sentence
§ 74:22 Appeals—Procedural issues

CHAPTER 75. RIGHT TO COUNSEL

§ 75:3 Misdemeanor trials
§ 75:4.50 Juvenile cases *[New]*
§ 75:5 Attachment of right—"Critical" stages
§ 75:9 Sentencing
§ 75:11 *Anders* briefs—Frivolous appeals
§ 75:14 Waiver of right
§ 75:15 Self-representation
§ 75:16 Counsel of choice

CHAPTER 76. EFFECTIVE ASSISTANCE OF COUNSEL

§ 76:5 State interference
§ 76:6 Conflicts of interest
§ 76:9 Incompetence—Prejudice requirement
§ 76:12 Incompetence—Jury selection
§ 76:13 Incompetence—Defenses
§ 76:15 Incompetence—Jury instructions
§ 76:18 Incompetence—Guilty pleas
§ 76:19 Incompetence—Sentencing

CHAPTER 77. RIGHT TO EXPERTS AND OTHER ASSISTANCE

§ 77:3 Due process—*Ake v. Oklahoma*
§ 77:7 Experts—Nonpsychiatric

§ 77:9 Right to investigative assistance

CHAPTER 78. ARREST OF JUDGMENT

§ 78:2 Failure to charge an offense

CHAPTER 79. MOTION FOR NEW TRIAL

§ 79:6 Insufficient evidence or verdict contrary to law
§ 79:8 Newly discovered evidence
§ 79:9 Procedural issues

CHAPTER 80. APPEALS

§ 80:1 Introduction
§ 80:2 Right to appeal
§ 80:3 Moot questions
§ 80:4 Final judgment-order rule
§ 80:5 Right to counsel
§ 80:6 Right to transcript
§ 80:9 Appellate procedure—Delayed appeals
§ 80:11 Appellate procedure—Transcript
§ 80:13 Appellate procedure—Briefs
§ 80:14 Appellate procedure—Bail and stay of sentence
§ 80:15 Appellate procedure—Judgments on appeal
§ 80:16 Appellate procedure—Reconsideration and reopening appeal
§ 80:17 Standards of review
§ 80:18 Prejudicial and harmless error—Constitutional error
§ 80:19 Failure to object—Plain error rule
§ 80:20 Appeal after guilty plea
§ 80:21 Appeal after no contest plea
§ 80:22 Appellate review of sentencing
§ 80:23 Prosecution appeals
§ 80:24 Review in Ohio Supreme Court

CHAPTER 81. POST-CONVICTION REMEDIES

§ 81:1 Introduction
§ 81:2 Nature of action and grounds for relief
§ 81:3 Res judicata
§ 81:4 Time limit and delayed filing
§ 81:9 Motion for summary judgment
§ 81:10 Dismissal of petition
§ 81:11 Hearing on petition
§ 81:12 Granting of petition
§ 81:13 Appeals
§ 81:14 Successive petitions
§ 81:15 Application for DNA testing by incarcerated felons
§ 81:16 Application to reopen appeal based on ineffective appellate counsel

CHAPTER 82. LAW OF CRIMES

§ 82:4 Classification of offenses
§ 82:5 Rules of construction

CHAPTER 83. CONSTITUTIONAL LIMITATIONS ON CRIMES

§ 83:2 "Void for vagueness" doctrine
§ 83:3 Ex post facto
§ 83:5 Equal protection clause
§ 83:6 Due process
§ 83:7 Other constitutional limitations

CHAPTER 84. STATUTE OF LIMITATIONS

§ 84:2 Time limitations
§ 84:8 Exceptions—Child abuse offenses
§ 84:8.50 Exceptions—Fraudulent assisted reproduction *[New]*
§ 84:10 Exceptions—Avoiding prosecution
§ 84:12 Procedural issues

CHAPTER 85. BASIC PRINCIPLES OF CRIMINAL LIABILITY

§ 85:3 Physical act (actus reus) requirement
§ 85:7 "Knowledge" defined
§ 85:8 "Recklessness" defined
§ 85:10 Mens rea—Rules of construction
§ 85:11 Transferred intent
§ 85:12 Absence of mens rea—Strict liability
§ 85:13 Concurrence of act and mens rea

CHAPTER 86. BURDENS OF PROOF AND PRESUMPTIONS

§ 86:4 Jury instructions on "reasonable doubt"
§ 86:6 Motion for judgment of acquittal
§ 86:8 Affirmative defenses—Burden of proof

Table of Contents

CHAPTER 87. INSANITY DEFENSE

§ 87:5 Abolition of insanity defense
§ 87:10 Burdens of proof
§ 87:12 Jury instructions
§ 87:15 Acquittal consequences
§ 87:16 Diminished capacity

CHAPTER 88. SELF-DEFENSE AND RELATED DEFENSES

§ 88:1 Introduction to self-defenses and related offenses *[Retitled]*
§ 88:2 Elements of self-defense
§ 88:9 Duty to retreat
§ 88:12 Burden of production and jury instructions
§ 88:13 Burden of persuasion
§ 88:13.50 Burden of persuasion—Sufficiency of evidence review of self-defense *[New]*
§ 88:15 Defense of others
§ 88:16 Defense of a dwelling
§ 88:17 Defense of property
§ 88:18 Notice of intention to rely on defense *[New]*

CHAPTER 89. LAW ENFORCEMENT DEFENSES

§ 89:2 Use of force—Police arrest

CHAPTER 90. ENTRAPMENT

§ 90:8 Jury instructions

CHAPTER 91. MISCELLANEOUS DEFENSES

§ 91:5 Intoxication
§ 91:7 Alibi
§ 91:13 Domestic authority
§ 91:17 Post-traumatic-stress-disorder blackout disorder *[New]*

CHAPTER 92. COMPLICITY AND ACCOMPLICES

§ 92:16.50 Double jeopardy *[New]*

CHAPTER 93. ATTEMPT

§ 93:3 Mental element
§ 93:8 Attempt as a lesser included offense
§ 93:11 Punishment

CHAPTER 94. CONSPIRACY

§ 94:4 Object of the agreement
§ 94:12 Defense—Abandonment

CHAPTER 95. HOMICIDE

§ 95:4 Murder—Purposeful killings
§ 95:5 Murder—During violent felonies
§ 95:6 Aggravated murder—Prior calculation and design
§ 95:7 Aggravated murder—Enumerated felonies
§ 95:12 Involuntary manslaughter
§ 95:15 Vehicular homicides

CHAPTER 96. CAUSATION

§ 96:2 Factual causation
§ 96:6 Proximate causation—Acts by third party

CHAPTER 97. ASSAULT, MENACING AND RELATED OFFENSES

§ 97:3 Assault
§ 97:4 Felonious assault
§ 97:6 Negligent assault
§ 97:7 Aggravated vehicular assault
§ 97:7.50 Vehicular assault *[New]*
§ 97:7.75 Strangulation *[New]*
§ 97:8 Menacing
§ 97:9 Aggravated menacing
§ 97:10 Menacing by stalking
§ 97:10.50 Female genital mutilation *[New]*

CHAPTER 98. KIDNAPPING, CHILD STEALING AND RELATED OFFENSES

§ 98:3 Kidnapping
§ 98:4 Abduction
§ 98:6 Criminal child enticement

CHAPTER 99. RAPE AND RELATED OFFENSES

§ 99:3 Rape—Spousal exemption
§ 99:5 Rape—Gender of victim *[Retitled]*
§ 99:6 Rape—Force and threats
§ 99:7 Rape—Impaired judgment by drugs or intoxicants
§ 99:8 Rape—Victim under thirteen years
§ 99:9 Rape—Impaired capacity by condition or age
§ 99:10 Sexual battery
§ 99:11 Unlawful sexual conduct with a minor
§ 99:12 Sexual imposition
§ 99:13 Gross sexual imposition
§ 99:15 Rape shield law
§ 99:17 Human trafficking *[New]*
§ 99:18 Fraudulent assisted reproduction *[New]*

CHAPTER 100. THEFT AND RELATED OFFENSES

§ 100:3 Theft
§ 100:4 Theft—Without consent
§ 100:5 Theft—Beyond scope of consent
§ 100:6 Theft—By deception
§ 100:10 Theft—Degree of offense
§ 100:12 Theft—Valuation of stolen property
§ 100:13 Receiving stolen property
§ 100:14 Unauthorized use of a vehicle
§ 100:15 Unauthorized use of property, computer equipment, telecommunications and cable systems, and LEADS database
§ 100:19 Passing bad checks
§ 100:20 Misuse of credit card
§ 100:21 Forgery
§ 100:22 Criminal simulation
§ 100:24 Trademark counterfeiting

CHAPTER 101. FRAUD AND RELATED DECEPTION OFFENSES

§ 101:2 Medicaid fraud
§ 101:3 Medicaid eligibility fraud
§ 101:4 Tampering with records
§ 101:5 Illegal transmission of bulk commercial email ("spam")
§ 101:6 Securing writings by deception
§ 101:7 Personating an officer and unauthorized display of police vehicle emblems
§ 101:8 Defrauding creditors
§ 101:9 Trafficking in or illegal use of nutrition program benefits
§ 101:10 Insurance fraud
§ 101:11 Workers' compensation fraud
§ 101:12 Telecommunications fraud
§ 101:13 Identity fraud

CHAPTER 102. ROBBERY, EXTORTION AND RELATED OFFENSES

§ 102:3 Robbery
§ 102:4 Aggravated robbery

CHAPTER 103. ARSON, DAMAGING AND TERRORISM OFFENSES

§ 103:3 Arson
§ 103:4 Aggravated arson
§ 103:5 Vandalism
§ 103:7 Disrupting public services
§ 103:13 Railroad vandalism and related offenses
§ 103:21 Nondisclosure of material assistance to terrorist organization

CHAPTER 104. BURGLARY AND TRESPASS

§ 104:3 Burglary

§ 104:4 Aggravated burglary
§ 104:5 Breaking and entering
§ 104:6 Criminal trespass
§ 104:10 Coin machine tampering

CHAPTER 105. PROSTITUTION, OBSCENITY AND RELATED OFFENSES

§ 105:2 Voyeurism
§ 105:3 Public indecency—Indecency involving minors
§ 105:4 Compelling prostitution
§ 105:5 Promoting prostitution
§ 105:6 Procuring prostitution
§ 105:6.50 Engaging in prostitution *[New]*
§ 105:7 Soliciting prostitution—Soliciting after a positive HIV test
§ 105:11 Disseminating matter harmful to juveniles
§ 105:13 Pandering obscenity
§ 105:14 Pandering obscenity involving minors
§ 105:15 Pandering sexually oriented matter involving minors
§ 105:16 Illegal use of a minor in nudity-oriented material
§ 105:18 Compelling acceptance of objectionable material
§ 105:19 Presumptions in obscenity prosecutions
§ 105:22 Unlawful hours of operation and prohibited touching in sexually oriented businesses

CHAPTER 106. WEAPONS OFFENSES

§ 106:2 Carrying concealed weapons
§ 106:4 Firearm possession in liquor-permit premises
§ 106:5 Deadly weapon or ordnance on school premises
§ 106:7 Having weapon while under disability
§ 106:8 Possession of deadly weapon while under detention
§ 106:10 Improperly handling firearms in motor vehicles
§ 106:11 Discharging firearm into a school or home
§ 106:12 Discharging firearm on or near prohibited premises
§ 106:13 Unlawful possession of dangerous ordnance
§ 106:15 Unlawful transactions in weapons
§ 106:16 Defacing of identification marks on firearms
§ 106:17 Furnishing firearms to minors
§ 106:19 Possession of criminal tools
§ 106:20 Improper use or handling of firearms in a vessel

CHAPTER 107. DRUG OFFENSES

§ 107:1 Introduction
§ 107:2 Drug trafficking—Elements
§ 107:3 Drug trafficking—Penalties
§ 107:4 Corrupting another with drugs—Elements
§ 107:5 Corrupting another with drugs—Penalties
§ 107:6 Possession of drugs or marihuana—Elements
§ 107:7 Possession of drugs or marihuana—Penalties
§ 107:8 Drug manufacture or marihuana cultivation—Elements
§ 107:9 Drug manufacture or marihuana cultivation—Penalties
§ 107:11 Illegal assembly or possession of chemicals for the manufacture of drugs—Penalties

§ 107:12 Funding drug or marihuana trafficking
§ 107:17 Possession of drug paraphernalia
§ 107:24 Illegal dispensing drug samples
§ 107:25 Counterfeit controlled substances
§ 107:26 Unlawful transactions in pseudoephedrine products

CHAPTER 108. OFFENSES AGAINST THE PUBLIC PEACE

§ 108:3 Aggravated riot
§ 108:4 Riot
§ 108:5 Failure to disperse
§ 108:6 Disorderly conduct
§ 108:7 Disturbing a lawful meeting
§ 108:9 Telecommunications harassment
§ 108:10 Inducing panic
§ 108:11 False alarms
§ 108:14 Misconduct on public transportation

CHAPTER 109. OFFENSES AGAINST THE FAMILY

§ 109:4.50 Provision of RU-486 to induce abortion *[New]*
§ 109:7 Dilation and extraction procedure
§ 109:10 Nonsupport
§ 109:11 Child endangerment
§ 109:14 Contributing to unruliness or delinquency
§ 109:15 Domestic violence
§ 109:16 Violating protective orders
§ 109:17 Terminating pregnancy after detection of fetal heartbeat *[New]*

CHAPTER 110. OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION

§ 110:2 Bribery
§ 110:3 Intimidation
§ 110:4 Intimidation of victim or witness
§ 110:7 Tampering with evidence
§ 110:8 Falsification
§ 110:12 Failure to report crimes, dead bodies and injuries
§ 110:14 Disclosure of confidential information
§ 110:16 Obstructing official business
§ 110:17 Obstructing justice
§ 110:19 Resisting arrest
§ 110:20 Failure to comply with police order
§ 110:21 Escape
§ 110:23 Illegal conveyances
§ 110:24 Harassment with a bodily substance
§ 110:25 Theft in office
§ 110:27 Soliciting or receiving improper compensation
§ 110:30 Impersonating officers

CHAPTER 111. CORRUPT ACTIVITY AND CRIMINAL GANG ACTIVITY

§ 111:2 RICO—Enterprise defined

§ 111:3 RICO—Corrupt activity defined
§ 111:5 RICO—Prohibition of engaging in corrupt activity
§ 111:8 Gangs—Prohibition of participating in a criminal gang

CHAPTER 112. GAMBLING

§ 112:2 Gambling
§ 112:3 Operating gambling houses
§ 112:4 Public gaming
§ 112:5 Cheating and corrupting sports
§ 112:6 Illegal prizes for playing skill-based amusement machines
§ 112:7 Illegal bingo
§ 112:8 Illegal operating as a distributor of bingo supplies
§ 112:9 Illegal operating as a manufacturer of bingo supplies
§ 112:9.50 Illegal bingo conduct by charitable organization *[New]*
§ 112:10 Illegal instant bingo conduct by charitable organization
§ 112:11 Illegal conduct of a raffle
§ 112:12 Illegal instant bingo conduct by owner or lessor of instant bingo location
§ 112:13 Illegal instant bingo conduct by a veteran's, fraternal or sporting organization
§ 112:15 Operation of bingo game by minor or felon

CHAPTER 113. MISCELLANEOUS CRIMES

§ 113:2 Abuse of human corpse
§ 113:3 Illegal distribution of cigarettes
§ 113:5 Shipping cigarettes to unauthorized recipients and improper labeling of shipments
§ 113:12 Illegal bail bond agent practice
§ 113:13 Illegal collection of bodily substance *[New]*

CHAPTER 114. CONTEMPT

§ 114:2 Direct and indirect contempt
§ 114:3 Criminal and civil contempt
§ 114:4 Elements of criminal contempt
§ 114:5 Procedure for adjudication of indirect contempt

CHAPTER 115. SENTENCING—GENERAL PRINCIPLES

§ 115:1 Sentencing—General principles *[Retitled]*
§ 115:2 Constitutional limitations on sentencing
§ 115:3 Due process and vindictive sentences *[Retitled]*
§ 115:4 Right to jury in sentencing
§ 115:5 Equal protection in sentencing
§ 115:8 Right to counsel at sentencing
§ 115:9 Presentence investigation and report
§ 115:10 Felony sentencing reform

CHAPTER 116. SENTENCING—PURPOSES, PRINCIPLES AND FACTORS

§ 116:2 Overriding purposes
§ 116:3 Principles

§ 116:5 Factors
§ 116:10 Weighing factors and review on appeal

CHAPTER 117. DECISION TO IMPOSE PRISON SENTENCE

§ 117:2 Mandatory prison sentences
§ 117:3 Mandatory incarceration—Felony OMVI offenses
§ 117:4 First and second-degree felonies—Presumption in favor of imprisonment and indefinite sentencing *[Retitled]*
§ 117:5 Third-degree felonies—No presumption
§ 117:6 Fourth and fifth-degree felonies—Presumption or disposition against imprisonment
§ 117:7 Drug intervention in lieu of conviction

CHAPTER 118. SENTENCING—LENGTH OF PRISON SENTENCE

§ 118:4 Sentencing ranges
§ 118:4.50 Legal Challenges to Reagan Tokes Act *[New]*
§ 118:5 Shortest (minimum) felony prison sentence
§ 118:7 Longest (maximum) prison sentence
§ 118:8 Gun enhancement
§ 118:12 Drive-by shooting
§ 118:14 Repeat violent offenders
§ 118:15 Major offenders
§ 118:16 Consecutive sentences

CHAPTER 119. COMMUNITY CONTROL SANCTIONS

§ 119:2 Community control sanctions
§ 119:5 Non-residential community control sanctions
§ 119:6 Financial sanctions
§ 119:7 Duration of community control sanctions
§ 119:8 Violation of community control sanctions *[Retitled]*
§ 119:10 Probation revocation

CHAPTER 120. THE SENTENCING HEARING AND AFTERMATH

§ 120:3 The sentencing hearing
§ 120:4 Trial court's findings and reasons
§ 120:5 Post-release control
§ 120:6 Risk reduction sentences *[Retitled]*
§ 120:7 Judicial release

CHAPTER 121. SEXUAL PREDATORS

§ 121:1 Introduction
§ 121:2 Sentencing violent sexual predators
§ 121:3 Sexual offender classifications
§ 121:3.10 Sexual offender classifications—Pre-2008 law *[New]*
§ 121:4 Sexual offender classification hearing
§ 121:4.10 Sexual offender classification hearing—Pre-2008 law *[New]*

§ 121:5 Registration requirements for sexual and child-victim offenders *[Retitled]*
§ 121:5.10 Registration requirements for sexual offenders—Pre-2008 law *[New]*
§ 121:5.20 Registration requirements for sexual offenders—Effect of out-of-state conviction *[New]*
§ 121:5.30 Registration requirements for sexual offenders—Effect of repeal of Megan's Law in favor of Adam Walsh Act *[New]*
§ 121:5.50 Victim and community notification *[New]*
§ 121:6 Victim and community notification—Pre-2008 law *[Retitled]*
§ 121:6.50 Prohibited residence *[New]*
§ 121:7 Constitutionality of Ohio's registration and notification requirements

CHAPTER 122. APPELLATE REVIEW OF SENTENCES

§ 122:3 Defense appeals
§ 122:7 Standard of review
§ 122:10 Mootness *[New]*

CHAPTER 123. MISDEMEANOR SENTENCING

§ 123:1.10 Serving a misdemeanor sentence *[New]*
§ 123:4 Longest jail sentence
§ 123:6 Misdemeanor jail terms
§ 123:7 Community control sanctions
§ 123:8 Community residential sanctions
§ 123:9 Community non-residential sanctions

CHAPTER 124. DEATH PENALTY

§ 124:5 Eligibility—Aggravating circumstances
§ 124:5.50 Eligibility—Serious mental illness *[New]*
§ 124:10 Aggravating factors—Killings by prisoners
§ 124:11 Aggravating factors—Prior and multiple killings
§ 124:17 Sentencing (penalty) phase
§ 124:18 Circumstances of offense—Offender's background
§ 124:21 Mitigating factors—Mental condition
§ 124:22 Mitigating factors—Youth
§ 124:23 Mitigating factors—Prior criminal history
§ 124:25 Mitigating factors—Other factors
§ 124:27 Weighing aggravating and mitigating factors

CHAPTER 125. DEATH PENALTY PROCEDURE

§ 125:2 Indictment
§ 125:7 Sentencing (penalty) phase
§ 125:8 Burden of proof
§ 125:16 Jury recommendations
§ 125:17 Jury instructions
§ 125:21 Jury qualifications
§ 125:23 Right of allocution
§ 125:24 Related issues

CHAPTER 126. DEATH PENALTY APPEALS

§ 126:2 Right to appeal

§ 126:4 Independent weighing—Aggravation-mitigation
§ 126:5 Proportionality review
§ 126:11 Executions of intellectually disabled convicts *[Retitled]*
§ 126:12 Waiver of further litigation
§ 126:13 Method of execution

CHAPTER 127. EXTRADITION

§ 127:11 Interstate agreement on detainers

CHAPTER 128. JUVENILE COURT PROCEEDINGS

§ 128:2 Transfer to criminal courts

CHAPTER 129. FORFEITURE

§ 129:1 Introduction
§ 129:2 Nature and purpose of forfeiture
§ 129:4 Property subject to forfeiture
§ 129:7 Criminal forfeiture
§ 129:8 Civil forfeiture
§ 129:9 Proportionality review of instrumentalities
§ 129:10 Disposition of forfeited property—Unreachable property
§ 129:11 Diminishing or interfering with forfeitable property

Table of Contents

CHAPTER 131. PRELIMINARY MATTERS—FORMS

§ 131:5.50 Certificate of service—Electronic mail⊙ *[New]*
§ 131:5.60 Certificate of service—Electronic filing⊙ *[New]*
§ 131:5.70 Certificate of service—Commercial carrier⊙ *[New]*

CHAPTER 133. WARRANTS AND SUMMONSES—FORMS

§ 133:2 Direction to issue summons⊙
§ 133:4 Prosecuting attorney's request for issuance of summons upon complaint⊙
§ 133:6 Clerk's instructions to serving officer for personal or residence service⊙
§ 133:11.50 Return of service of summons—Commercial carrier⊙ *[New]*

CHAPTER 135. ISSUANCE OF SEARCH WARRANT—FORMS

§ 135:4 Affidavit for tracking warrant⊙ *[New]*
§ 135:5 Tracking warrant—To be served in daytime⊙ *[New]*
§ 135:6 Tracking warrant—To be served in nighttime⊙ *[New]*

CHAPTER 136. EXECUTION OF SEARCH WARRANT—FORMS

§ 136:6 Return of executed tracking warrant⊙ *[New]*
§ 136:7 Return of unexecuted tracking warrant⊙ *[New]*

CHAPTER 137. MOTION TO SUPPRESS AND THE SUPPRESSION HEARING—FORMS

§ 137:6 Entry on motion to suppress sustained⊙
§ 137:7 Prosecution's notice of appeal upon granting of motion to suppress evidence⊙

CHAPTER 139. PRETRIAL RELEASE—BAIL AND PREVENTIVE DETENTION—FORMS

§ 139:1 Order specifying type and amount of bail for preconviction release⊙
§ 139:2 Order specifying conditions of preconviction release⊙

CHAPTER 140. PRELIMINARY HEARING—FORMS

§ 140:8 Order transferring related misdemeanor counts with felony bind-over⊙ *[New]*

CHAPTER 141. GRAND JURY—FORMS

§ 141:23 Waiver of indictment⊙ *[New]*

CHAPTER 145. DISCOVERY AND DISCLOSURE—FORMS

§ 145:1 Defendant's demand for discovery⊙
§ 145:3 Defendant's motion for discovery⊙
§ 145:4 State's demand for discovery⊙
§ 145:5 State's motion for discovery⊙
§ 145:8 Motion to perpetuate testimony⊙
§ 145:10 Defendant's motion to compel disclosure of exculpatory evidence⊙
§ 145:20 Notice of Alibi⊙ *[New]*
§ 145:21 Notice of self-defense, defense of other(s) or defense of property⊙ *[New]*
§ 145:22 Notice of intention to introduce evidence of other acts admissible under Evid. R. 404(B)⊙ *[New]*

CHAPTER 147. SPEEDY TRIAL AND RELATED ISSUES—FORMS

§ 147:7 Waiver of time for preliminary hearing or trial⊙
§ 147:8 Motion to dismiss on grounds that the statute of limitations has run⊙
§ 147:9 Dismissal of charges for failure to commence prosecution within the statute of limitations⊙
§ 147:10 Motion to dismiss for unconstitutional pre-indictment delay⊙ *[New]*
§ 147:11 Motion to dismiss for violation of constitutional speedy trial rights⊙ *[New]*
§ 147:12 Order tolling speedy trial time due to extraordinary circumstances⊙ *[New]*

CHAPTER 148. TRIAL BY JURY AND JUDGE—FORMS

§ 148:28.50 Order permitting remote testimony⊙ *[New]*
§ 148:32 Jury verdict of guilty accompanied by further findings⊙ *[Retitled]*

CHAPTER 152. SENTENCING, COMMUNITY CONTROL SANCTIONS AND RELATED ISSUES—FORMS

§ 152:1 Motion to merge allied offenses for sentencing⊙
§ 152:2 Motion requesting presentence investigation and report—General⊙
§ 152:3 Defendant's supplemental sentencing memorandum⊙
§ 152:4 Motion to correct errors in the presentence report⊙

§ 152:5 Motion requesting expert and investigative assistance for sentencing hearing—Capital offense
§ 152:6 Motion to waive mandatory fine
§ 152:11 Entry for sentence pronounced on verdict
§ 152:12 Entry for sentence pronounced on plea of guilty
§ 152:13 Entry upon trial and judgment by court when jury waived
§ 152:14 Sentencing imposing fine
§ 152:15 Sentence requiring restitution to victim
§ 152:17 Entry for sentence to state penal institution for a first- or second-degree felony and certain drug felony offenses pursuant to RC 2929.13(D)
§ 152:18 Entry for sentence to community control sanction for first-or second-degree felony and certain drug felony offenses
§ 152:19 Entry for sentence to state penal institution for a third-degree felony and certain drug felony offenses pursuant to RC 2929.13(C)
§ 152:21 Entry for sentence to state penal institution for a fourth- or fifth-degree felony with at least one RC 2929.13(B) factor
§ 152:25 Entry for sentence suspended and bail given
§ 152:26 Entry for sentence not suspended and bail not given
§ 152:27 Entry increasing recognizance
§ 152:39 Transmittal form to Ohio Bureau of Criminal Identification and Investigation (BCI&I) of entry ordering records of sealed and/or expunged

CHAPTER 153. APPEALS—FORMS

§ 153:1 Table of final appealable orders
§ 153:6 State's notice of appeal of order *[granting suppression of evidence/requiring return of seized property]*
§ 153:11 Request to the clerk of courts for docket and journal entries
§ 153:15 Motion for leave to file notice of delayed appeal
§ 153:20 Motion to dismiss for lack of final appealable order
§ 153:21 Motion to dismiss for untimely transmission (or failure to transmit record)
§ 153:22 Motion to dismiss for *[untimely filing/failure to file]* brief

Table of Laws and Rules

Table of Cases

Index