IN THE SUPREME COURT OF OHIO
2020

STATE OF OHIO,	Case No. 2020-445
Plaintiff-Appellee,	On Appeal from the Franklin County Court of Appeals, Tenth Appellate District
-vs-	
KEITH PIPPINS,	
Defendant-Appellant.	Court of Appeals Case No. 15AP-137, 138, 140

MEMORANDUM OF PLAINTIFF-APPELLEE OPPOSING JURISDICTION

RON O'BRIEN 0017245
Franklin County Prosecuting Attorney
SETH L. GILBERT 0072929
Assistant Prosecuting Attorney
(Counsel of Record)
373 South High Street–13th Fl.
Columbus, Ohio 43215
614-525-3555
sgilbert@franklincountyohio.gov

COUNSEL FOR PLAINTIFF-APPELLEE

KEITH PIPPINS #713-430
3791 State Route 63
P.O. Box 56
Lebanon, Ohio 45036

DEFENDANT-APPELLANT, PRO SE

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EXPLANATION OF WHY THIS COURT SHOULD DECLINE JURISDICTION

None of defendant Keith Pippins's four propositions of law warrants this Court's discretionary review. Pippins's propositions of law present no novel legal questions that have divided lower courts, and all four of Pippins's propositions of law present fact-laden issues that have minimal—if any—statewide interest.

Pippins's first proposition of law argues that the trial court judge should have recused himself from the case because he approved the wiretaps warrants. Pippins bases this argument on this Court's decision in *State v. Gillard*, 40 Ohio St.2d 226 (1988), which held that "[w]hen the state seeks to obtain relief from discovery or to perpetuate testimony under [former] Crim.R. 16(B)(1)(e) [now Crim.R. 16(D)(1)], the judge who disposes of such a motion may not be the same judge who will conduct the trial." *Id*. at syllabus. The defense did not request recusal or otherwise raise this issue during the trial. Pippins, however, argues that the trial court's non-recusal is structural error, requiring automatic reversal.

The State does not agree that the recusal requirement of *Gillard* applies to wiretap-warrant procedures under R.C. 2933.51 et seq. But even if *Gillard* does apply here, this Court has already held that a *Gillard* error is not structural. *State v. Esparza*, 74 Ohio St.3d 660, 661-663 (1996). Indeed, in *Gillard* itself, this Court stated that "violation of the rule we announce today is not *per se* prejudicial." *Gillard* at 229. Moreover, as the Tenth District held, no structural error is present here, because the record shows no "indication that the trial judge was actually biased against Pippins." Opinion at ¶ 72. Indeed, in the Tenth District below, Pippins did not even try to argue that he was prejudiced by the trial court's non-recusal, and thus he failed to show plain error. *Id*. at ¶ 75.

With this Court having already decided that a *Gillard* error is not structural, Pippins's first proposition of law boils down to whether Pippins was prejudiced by the trial court's non-

recusal to such an extent as to amount to plain error. Reviewing this fact-specific question would result in no new law of statewide interest.

Pippins's second proposition of law—arguing that the evidence was insufficient to prove the "enterprise" element of R.C. 2923.32(A)(1)—is equally unworthy of review. The sufficiency-of-the-evidence standard is well-settled, as is the legal standard for what constitutes an "enterprise." Pippins offers no good reason for this Court to reassess the Tenth District's factual holding that the evidence sufficiently proved an enterprise.

Pippins's third proposition of law argues that his trial counsel was ineffective in not requesting severance of the trial. Pippins's argument in this regard presupposes that counsel made no request to sever. But the Tenth District stated that it is not clear from the record that Pippins's counsel failed to request severance, and in fact there are indications in the record that Pippins's counsel made such a request off the record. Opinion at ¶ 65. The Tenth District went on to hold that the record did not show that any request to sever was constitutionally ineffective. *Id*. at ¶ 66. Review of this holding is unwarranted, as any ruling from this Court would be specific to the unique facts of this case.

Finally, Pippins's fourth proposition of law argues that the trial court committed plain error in not granting a mistrial after one of the jurors during the jury poll indicated that she disagreed with the other jurors' verdicts on some of the counts. That this Court's review would be limited to plain error is reason alone not to accept this proposition of law. In any event, the law in this area is well-settled. Indeed, even Judge Brunner in dissent stated that she "agree[s] with the majority's articulation of the law in this area[.]" Opinion at ¶ 79 (Brunner, J., concurring in part and dissenting in part).

Given the clarity of the law in this area, this proposition of law merely seeks error correction on the specific facts of this case. The trial court found that the juror did not agree with the other jurors on multiple counts, and it declared a mistrial on those counts. But on the remaining counts, the trial court found that the juror was in agreement with the other jurors, and that those verdicts were in fact unanimous. The Tenth District majority thoroughly analyzed the record and held that—with the exception of two counts—the trial court was within its discretion in finding unanimity. Opinion at ¶¶ 33-55.

Even though Pippins phrased his argument in terms of whether the trial court committed plain error in not granting a mistrial on *all* counts, *id*. at ¶ 32, the Tenth District reversed Pippins convictions on the two counts where the trial court erroneously found unanimity. Regarding the request for a global mistrial, the Tenth District majority correctly held that the trial court committed no plain error in not granting a global mistrial. *Id*. at ¶ 55 ("not every count was rendered defective as a result"). That the juror stated she was "pressured" by other jurors to vote guilty does not undermine the verdicts—much less require a global mistrial on all counts. *State v. Hessler*, 90 Ohio St.3d 108, 120-121 (2000).

The State respectfully requests jurisdiction be declined.

STATEMENT OF CASE AND FACTS

Pippins was indicted in three separate case numbers on the following charges:

14CR-1320:

Charge	***Specifications***
RICO (F1)	n/a
Attempted murder (F1)	1 yr. firearm spec.; 3 yr. firearm spec.; RVO spec.
Felonious assault (F2) x 2	3 yr. firearm spec.; 5 yr. "drive by" spec.; RVO spec.

Tampering with evidence (F3)	1 yr. firearm spec.
Trafficking in heroin (F1) x 11	n/a
Trafficking in heroin (F1) x 2	1 yr. firearm spec.
Trafficking in heroin (F2) x 2	n/a
Trafficking in heroin (F2)	1 yr. firearm spec.
Trafficking in heroin (F2)	1 yr. firearm spec.; 3 yr. firearm spec.
WUD (F3)	n/a
Trafficking in cocaine (F1)	n/a
Trafficking in cocaine (F3)	n/a
Illegal manufacture of drugs (F2) x 3	n/a
Aggravated trafficking (oxycodone) (F1) x 2	n/a
Aggravated trafficking (oxycodone) (F2)	n/a
Trafficking in marijuana (F3)	n/a
Funding of marijuana trafficking (F3)	n/a

14CR-1823:

Charge	***Specifications***
RICO (F1)	n/a
Possession of heroin (F1)	1 yr. firearm spec.
Trafficking of heroin (F1)	1 yr. firearm spec.
WUD (F3) x 3	n/a

14CR-2869:

Charge	***Specifications***
RICO (F1)	n/a

At a pre-trial hearing, the prosecutor explained that the indictment in 14CR-1326 was based on "wiretap offenses" occurring between February 4, 2014, and March 7, 2014; and the indictment in 14CR-1824 was based on search warrants executed on March 7, 2014. But the RICO counts in these indictments reference the wrong subsection of R.C. 2923.32; accordingly, the indictment in 14CR-2868 was intended to replace the RICO counts in the other two indictments. The State nolled the RICO counts in 14CR-1326 and 14CR-1824 prior to trial.

The three indictments were joined for trial, and Pippins was tried alongside codefendants Percy Burney and Kiersten Smith. The State's evidence consisted mostly of law enforcement testimony, as well as the testimonies of codefendants Jack Morris, Tyler Griffin, and Larry Stevenson, all of whom testified pursuant to plea agreements. The following is a general overview of the evidence adduced at the four-week-long trial

Pippins sold drugs with Morris starting in 2010. Morris described his arrangement with Pippins as follows: "He gets his drugs. I get my drugs. We sit in the same house, share each other stings, drug addicts." The two bought drugs together, sold the drugs, and split the profits. Morris agreed that this was a "big time drug enterprise."

Pippins's and Morris's main heroin supplier was Aidlo Perez. Pippins and Morris sold to other drug dealers; they did not sell to addicts because doing so presents a greater chance of getting caught by police.

Griffin was Morris's and Pippins's source for marijuana and Percocet pills. After buying Percocet pills from Griffin, Pippins sold them to the owner of a nearby store. Pippins and Morris sold heroin to Burney, Stevenson, Keith Davis, and Jimmy Robinson. Pippins would "front"

heroin to these individuals, which is a trust-based arrangement whereby the seller provides drugs with the expectation that the buyer will pay later.

After an extensive investigation, police obtained a wiretap warrant for Pippins's cell phone in early 2014. Based on information obtained from this wiretap, investigators over the next several weeks obtained additional wiretaps (called "spinoffs") for phones belonging to Morris, Griffin, a second phone belonging to Pippins (he switched phones during the wiretap of his first phone), and two phones belonging to Perez. During the course of the wiretaps, investigators listened in as Pippins, Burney, and other members of the organization operated a major drug-trafficking enterprise.

Two significant events occurred during the wiretaps that were the subject of extended testimony. First, early on in the investigation, a man named Alberto Ochoa sent a package of heroin from Arizona to Morris's grandparents' house on Lock Avenue. The investigators at the time suspected that the package from Ochoa contained drugs, but they allowed the delivery to go through anyway. Pippins ultimately retrieved the package, but not until after there was some mix-up regarding what address the package was supposed to be delivered to.

Second, a man named Jarron Brown called Pippins to buy an ounce of heroin. Pippins called Morris to accompany him on the deal, but Morris was unable to go. When Pippins and Brown later met, Brown robbed him. The next morning, Pippins called Burney and instructed him to "load up a chopper"—i.e., a fully automatic assault rifle. Pippins and Morris then went to Burney's house, where Pippins received help from Burney's brother on loading the gun. After receiving information on Brown's whereabouts, Morris drove Pippins to that location, where Pippins fired at Brown. But Pippins missed Brown and hit Antwaun Waddell instead.

In addition to these two events, the codefendants all testified to drug activity. For example, Morris identified several phone calls during which Pippins discussed with either Smith or Morris the buying, preparation, or selling of heroin. In some of the calls, Pippins and Morris discussed selling heroin to Burney.

Moreover, Griffin identified several phone calls between him and Pippins discussing the sale of Percocet pills. Griffin delivered the pills to Pippins at Morris's house, and Pippins then immediately sold the pills and returned with Griffin's payment. Griffin also identified a phone call between him and Pippins discussing the sale of marijuana.

Stevenson identified several phone calls he had with Pippins discussing the purchase of either heroin or cocaine. Stevenson also identified phone calls with Pippins discussing the Waddell shooting, including one call where Pippins asked Stevenson to "flip the story"—i.e., tell Waddell's family that someone other than Pippins was responsible. Stevenson never did "flip the story," but he did "lie by omission" by never explicitly telling Waddell's family that Pippins was the shooter.

Detective Jeremy Ehrenborg oversaw the monitoring of the wiretaps and identified numerous phone calls obtained from the wiretaps on Pippins' two phones. In the calls—including a substantial with Burney—Pippins discussed buying, preparing, or selling heroin and other drugs, as well as other aspects of the drug trade. Some of the calls involve receiving the package from Ochoa and the events surrounding the Waddell shooting.

In early March 2014, investigators executed search warrants at 15 locations. The triggering event to execute the warrants was the organization's receipt of a large amount of heroin. Pippins's home on Grand Bend Drive and Burney's mother's home on Fairbanks Road were among the locations searched. Between these two locations, investigators found substantial

amounts of heroin, marijuana, and cocaine; numerous items of drug paraphernalia; large amounts of cash; and numerous firearms.

The jury found Pippins guilty of RICO, ten counts of trafficking in heroin, two counts of trafficking in cocaine, two counts of illegal manufacturing of drugs, three counts of aggravated trafficking of oxycodone, and one count of tamping with evidence. The jury initially returned guilty verdicts on eight additional counts of trafficking in heroin, two additional counts of illegal manufacturing of drugs, one count of attempted murder, and two counts of felonious assault, but the trial court declared a mistrial on those counts because Juror #7 "indicated misgivings about her verdicts." The jury found Pippins not guilty on one count of trafficking in heroin.

Pippins appealed, and the Tenth District affirmed in part and reversed in part. The court reversed Pippins's convictions on Counts 19 and 34, finding that the verdicts on those counts were not unanimous. Judge Brunner concurred in part and dissented in part, concluding that the trial court committed plain error in finding jury unanimity with respect to Counts 1 and 15.

ARGUMENT

Response to First Proposition of Law: A trial court's failure to recuse under *Gillard* is not per se prejudicial and is not structural error.

In *Gillard*, this Court held that "[w]hen the state seeks to obtain relief from discovery or to perpetuate testimony under [former] Crim.R. 16(B)(1)(e), the judge who disposes of such a motion may not be the same judge who will conduct the trial." *Gillard* at syllabus. "When a judge hears information that a defendant has attempted to harm, coerce, or intimidate an opposing witness, there is an unnecessary risk that the judge will harbor a bias against that defendant." *Id*. at 229. This Court, however, held that "violation of the rule we announce today is not *per se* prejudicial." *Id*.

Pippins argues that information contained in material submitted to the trial court in connection with the wiretap warrants was similar to the information at issue in *Gillard*. He claims that that the trial court judge was therefore precluded from presiding over the trial. Pippins did not raise this issue in the trial court, and instead argues that the trial court's non-recusal is structural error.

The State does not agree that the recusal requirement of *Gillard* applies to wiretap-warrant procedures under R.C. 2933.51 et seq. in general or this case in particular. Indeed, courts have refused to extend the *Gillard* rule beyond the narrow context of Crim.R. 16 certification hearings. *State v. Jackson*, 141 Ohio St.3d 171, 2014-Ohio-3707, ¶ 86 (pre-trial hearing to determine mental retardation); *State v. Coonrod*, 2nd Dist. No. 2007 CA 5, 2007-Ohio-4613, ¶ 17 (hearing to determine admissibility of other-acts evidence); *In re Disqualification of O'Farrell*, 94 Ohio St.3d 1225, 1226 (2001) (Moyer, C.J.) (bail hearings under R.C. 2937.222); *State v. Richey*, 64 Ohio St.3d 353, 358 (1992) (pre-trial hearing to determine whether the defendant's threats to kill the prosecutor and witnesses justified shackling the defendant during the trial).

But even if *Gillard* does apply here, this Court has already held that a *Gillard* error is not structural. *Esparza* at 661-663. If it was not clear from *Gillard* itself, then *Esparza* leaves no room for doubt that any error under *Gillard*—or any extension of *Gillard*—is does not require automatic reversal. In short, even if it really was error for the trial court judge to preside over Pippins's trial—a point the State does not concede—it would be subject to the holding in *Gillard* that the error is not per se prejudicial. To obtain reversal, Pippins was required show that he prejudiced by the trial court judge presiding over the trial. *State v. Green*, 90 Ohio St.3d 352, 368 (2000) (defendant failed to show prejudice from *Gillard* error).

Pippins, however, does not even try to show prejudice, opting instead to rely solely on his structural-error argument. As the Tenth District held, Pippins failed to show that the trial court was biased against him. Opinion at ¶ 72. Pippins failed to show that he suffered any prejudice as a result of the trial court's non-recusal, and thus failed to show plain error. *Id*. at ¶ 75.

> **Response to Second Proposition of Law:** The relevant question in a sufficiency review is whether, after viewing the evidence in a light most favorable to the State, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

RICO is defined in relevant part as: "No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt." R.C. 2923.32(A)(1). "Enterprise" is defined as "any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. 'Enterprise' includes illicit as well as licit enterprises." R.C. 2923.31(C).

"There is no question that a RICO conviction depends on the state being able to 'prove both the existence of an "enterprise" and the connected "pattern of racketeering activity."'" *State v. Beverly*, 143 Ohio St.3d 258, 2015-Ohio-219, ¶ 7, quoting *United States v. Turkette*, 452 U.S. 576, 583 (1981). The State, however, "is not required to prove that the defendants were associated with an organization having an existence as an entity or structure separate and distinct from the pattern of activity in which it engages." *Beverly* at ¶ 7. The definition of 'enterprise' is remarkably open-ended." *Id*. at ¶ 8.

"An association-in-fact enterprise has been defined as 'a group of persons associated together for a common purpose of engaging in a course of conduct." *Id*. at ¶ 9, quoting *Turkette*

at 583; see also, *Boyle v. United States*, 556 U.S. 938, 948 (2009) ("an association-in-fact enterprise is simply a continuing unit that functions with a common purpose"). While the "enterprise" element is distinct from the "pattern of corrupt activity" element, "evidence of one of the elements can sometimes prove the other, even though it doesn't necessarily do so." *Beverly* at ¶ 10.

Thus, "the evidence used to prove the pattern of racketeering activity and the evidence establishing an enterprise 'may in particular cases coalesce.'" *Id*., quoting *Boyle* at 947, quoting *Turkette* at 583. It is not the case that "the existence of an enterprise may never be inferred from the evidence showing that persons associated with the enterprise engaged in a pattern of racketeering activity." *Beverly* at ¶ 10, quoting *Boyle* at 947. Rather, "proof of a pattern of racketeering activity may be sufficient in a particular case to permit a jury to infer the existence of an association-in-fact enterprise." *Bevery* at ¶ 11, quoting *Boyle* at 951. "[T]he existence of an enterprise, sufficient to sustain a conviction for engaging in a pattern of corrupt activity under R.C. 2923.32(A)(1), can be established without proving that the enterprise is a structure separate and distinct from a pattern of corrupt activity." *Beverly* at ¶ 13.

Under this framework, the evidence was easily sufficient to support the existence of an enterprise. Morris testified that he and Pippins were "partners" in what Morris agreed was a "big time drug enterprise." Pippins and Morris purchased large amounts of heroin and other drugs from various sources (e.g., Perez and Griffin) and then supplied the drugs to Burney, Stevenson, Davis, and Robinson, who then sold the drugs to users. Such an arrangement is typical of large-scale drug conspiracies: "Drug distribution conspiracies are often 'chain' conspiracies such that agreement can be inferred from the interdependence of the enterprise. One can assume that participants understand that they are participating in a joint enterprise because success is

dependent on the success of those from whom they buy and to whom they sell." *United States v. Henley*, 360 F.3d 509, 513 (6th Cir.2004).

In other words, the numerous incidents of drug trafficking and other offenses presented at trial were not just random, unconnected acts. Rather, the evidence proved an association-in-fact enterprise—i.e., "'a group of persons associated together for a common purpose of engaging in a course of conduct." *Beverly* at ¶ 9, quoting *Turkette* at 583; see, also, *State v. Smoot*, 38 N.E.3d 1094, 2015-Ohio-2717, ¶ 72 (2nd Dist.).

Response to Third Proposition of Law: To show ineffective assistance of counsel, a defendant must show deficient performance and prejudice.

Pippins argues that his trial counsel was ineffective in not seeking severance. But the Tenth District noted that it is not clear from the record that Pippins's counsel failed to request severance, and in fact there are indications in the record that Pippins's counsel made such a request off the record. Opinion at ¶ 65. Pippins therefore fails to show that counsel's off-the-record request for severance was deficient.

Pippins also fails to show a reasonable probability that a different motion to sever would have been granted by the trial court. Joint trials "play a vital role in the criminal justice system." *Zafiro v. United States*, 506 U.S. 534, 537 (1993), quoting *Richardson v. Marsh*, 481 U.S. 200, 209 (1987). "Two or more defendants may be charged in the same indictment, information or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses, or in the same course of criminal conduct." Crim.R. 8(B). Joint trials are favored in RICO cases in particular, because a RICO count serves as the "connective tissue" that allows joinder of multiple codefendants. *United States v. Richardson*, 167 F.3d 621, 624-625 (D.C.Cir.1999).

If there is ever a case that epitomizes the virtues of trying codefendants jointly, it is this one. The State's case consisted of numerous witnesses and exhibits and consumed substantial judicial resources. The trial lasted four weeks and consists of several thousand pages of transcript. Separate trials would have duplicated much of this effort.

Moreover, Pippins's and Burney's defenses were not "mutually antagonistic," because their defenses were not "irreconcilable and mutually exclusive." *United States v. Berkowitz,* 662 F.2d 1127, 1133 (5th Cir.1981). While Burney's counsel argued that Pippins was part of the "organization," the jury did not have to find Pippins guilty in order to acquit Burney—and vice-versa. Accepting Burney's argument that he was not part of the organization did not require the jury to find Pippins guilty. And accepting Pippins's argument that he was innocent of all offenses did not require the jury to find Burney guilty.

Even if the defenses were mutually antagonistic, Pippins failed to show any "serious risk that a joint trial could compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." *Zafiro v. United States,* 506 U.S. 534, 539 (1993).

Response to Fourth Proposition of Law: A failure to request a mistrial forfeits all but plain-error review.

After announcing the verdicts, the trial court individually polled the jurors, during which Juror # 7 indicated that she wanted to ask the trial court a question. The trial court gave her a paper and pen for her to write down her question. The trial court then asked Juror # 7 to approach the bench, at which point she gave the trial court her written note, stating that "some of the charges [she] wasn't quite clear about."

The trial court and Juror # 7 then went over her notes on each count for all three defendants, during which Juror # 7 identified several counts in which she felt pressured

into voting guilty. The trial court ultimately granted a mistrial with respect to Pippins on multiple counts. Juror # 7 confirmed that her remaining verdicts were "freely, voluntarily entered by [her]." Accordingly, the trial court found, "as Juror Number 7 so stated, the remainder of the counts were freely, voluntarily, she was in accord with."

Pippins argues that the trial court should have declared a mistrial on *all* counts. Pippins concedes that the defense did not ask the trial court for a global mistrial, thereby forfeiting all but plain error. Crim.R. 52(B).

A defendant is entitled to a unanimous jury verdict. Crim.R. 31(A); see also, *Ramos v. Louisiana*, ___ U.S. ___ (2020) (Sixth Amendment unanimity requirement incorporated to the states). Where the verdict is not unanimous, a trial court may either direct the jury to further deliberate or declare a mistrial. Crim.R. 31(D). "If upon the [jury] poll there is not unanimous concurrence, the jury may be directed to retire for further deliberation or may be discharged." Crim.R. 31(D); see, also, R.C. 2945.77. When there appears to be uncertainty with respect to a jury's verdicts, it is the trial court's duty to resolve that doubt, for "[t]here is no verdict as long as there is any uncertainty or contingency to the finality of the jury's determination." *State v. Sneed*, 63 Ohio St.3d 13, 14 (1992), quoting *Untied States v. Morris*, 612 F.2d 483, 489 (10th Cir.1979), quoting *Cook v. United States*, 379 F.2d 966, 970 (5th Cir.1967). "If interrogation, without coercion or undue pressure, results in rehabilitation of the juror's verdict, the trial court may accept the verdict as the jury's true ascertainment of the defendant's guilt." *State v. Brumback*, 109 Ohio App.3d 65, 72-73 (9th Dist.1996), citing *Emmert v. State*, 127 Ohio St. 235, 237-238 (1933).

Pippins argues that a global mistrial was required because Juror #7 indicated that she felt "pressured" into voting guilty on some counts. But that other jurors may have convinced Juror #

7 to vote one way or another is an inevitable feature of jury deliberations. Indeed, the jury system contemplates that some jurors will "pressure" others:

> The requirement of a unanimous decision, however, does not come without a price. Heightened emotions and intense feelings are part and parcel of this process. Experience tells us that during deliberations, it is not unusual to find heavy-handed influencing, browbeating, and even bullying to a certain extent. For always there is the possibility that 'articulate jurors may intimidate the inarticulate, the aggressive may unduly influence the docile.'"

Hessler at 120, quoting *People v. De Lucia*, 229 N.E.2d 211, 213 (Ct.App.N.Y.1967).

Juror # 7 "was given the chance to declare in open court her assent to or dissent from the [jury's verdicts]." *Hessler* at 121. She took advantage of this opportunity by identifying several counts with which she did not agree with the other jurors' verdicts. The trial court declared a mistrial on these counts. On the remaining counts, however, Juror # 7 "answered that she agreed with [the jury's guilty verdicts], and she registered no further complaints." *Id*. On these counts, the trial court properly concluded that Juror # 7 "exercised her free will and that she agreed with the [verdicts] announced in open court." *Id*. There is no proof in the record that Juror # 7's guilty verdicts on these counts was the product of anything other than the normal deliberative process. There was no basis to declare a mistrial on all counts.

CONCLUSION

The State respectfully requests that jurisdiction be declined.

Respectfully submitted,

RON O'BRIEN 0017245
Prosecuting Attorney

/s/ Seth L. Gilbert
Seth L. Gilbert 0072929
Assistant Prosecuting Attorney

Counsel for Plaintiff-Appellee

CERTIFICATE OF SERVICE

This is to certify that on April 24, 2020 a copy of the foregoing was mailed by U.S. mail, postage prepaid, to KEITH PIPPINS, #713-430, 3791 State Route 63, P.O. Box 56, Lebanon, Ohio 45036, Pro Se.

/s/ Seth L. Gilbert
Seth L. Gilbert 0072929
Assistant Prosecuting Attorney