

IN THE SUPREME COURT OF OHIO

NO. 2020-0797

STATE OF OHIO, :  
Appellee, : On Appeal from the Cuyahoga  
County Court of Appeals, Eighth  
vs. : Appellate District Court of Appeals  
JEREMY CRAWFORD, : CA: 108431

Appellant.

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**REPLY BRIEF OF APPELLANT, JEREMY CRAWFORD**

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**REPLY ARGUMENT IN SUPPORT OF PROPOSITION OF LAW**

Jeremy Crawford was convicted of involuntary manslaughter in the shooting death of Gary Dickens II. The specific charge, as set forth in Count 3 of the grand jury's indictment was that Mr. Crawford "cause[d] the death of Gary Dickens II and such death was the proximate result of Jeremy Crawford committing or attempting to commit the felony offense of Having Weapons under Disability." Crawford argues here, as he did in the Eighth District, that the predicate offense charged, that he had a weapon *under a disability*, was not the proximate cause of the death. The reason is simple. There was no causal relationship between the fact of the disability and the death. Indeed, in the ordinary case, there would not be.

The Eighth District disagreed. For the reasons set forth in Mr. Crawford's principal brief, it was wrong. Indeed, neither the State of Ohio nor Amicus Attorney General offers a defense of the Eighth District's limited analysis.

Instead, the State argues that because Mr. Crawford was under a statutory disability, he was a "bad risk." (State's Brief at 4) Perhaps he was. But while being a generic bad risk might justify a disability, the risk itself had no causal relationship to the death of Mr. Dickens.

Amicus Attorney General, offers two additional arguments.

First, the Attorney General says, the particular predicate offense is irrelevant.

"[A]ll that matters is that the defendant committed a felony and that the felony in turn

proximately caused the death of another person.” (Amicus Brief at 8) To that end, it repeatedly refers to the predicate offense in this case as “felon in possession” implicitly suggesting that the possession is the only thing that matters. But the predicate offense in Mr. Crawford’s case is not possession. Rather, as the grand jury charged in Count 3 of the indictment, the offense is having a weapon *while under a disability*. It is the circumstance of the unlawful possession, the disability, not the possession itself, that would need to have been a proximate cause of the death. And it was not.

Second, the Attorney General says that if the predicate felony must be a proximate cause of the death, then Having a Weapon Under a Disability can never be the predicate for involuntary manslaughter. That cannot be right, the Attorney General says, because the offense is a felony and the involuntary manslaughter statute allows any felony to serve as the predicate offense. Further, because the disability must arise before the death, it could never be a proximate cause of the death.

Never is an awfully strong word. And it’s wrong. Imagine that Jones is under a disability for the felonious assault of Smith, a business rival who had testified against him at a civil trial. Jones gets out of prison, acquires a gun, and uses it to threaten Smith. Predictably, there is a struggle. The gun goes off and Smith dies. Jones got the gun, in violation of his disability, and brought it to his meeting with Smith because of the prior events. The death, we should all agree, would be a proximate result of having the weapon under the disability.

Is that a common scenario? No. Is it possible? Certainly.

But that is not what happened in this case. In Mr. Crawford's case, having the weapon under a disability was simply not the proximate cause of Mr. Dickens death. As in the ordinary case, it could not properly serve as the predicate for his conviction of involuntary manslaughter.

### CONCLUSION

For the reasons above, as well as those set forth in his principal brief, the Court should adopt Mr. Crawford's proposition of law, reverse the decision of the court of appeals, and vacate the involuntary manslaughter conviction.

Respectfully submitted,  
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### CERTIFICATE OF SERVICE

A copy of the foregoing Memorandum in Support of Jurisdiction was sent by e-mail to Gregory Ochocki, Counsel of Record for Appellee State of Ohio, at [gochocki@prosecutor.cuyahogacounty.us](mailto:gochocki@prosecutor.cuyahogacounty.us) and to Benjamin M. Flowers, Solicitor General, Counsel of Record for Amicus Curiae Ohio Attorney General at [bflowers@ohioattorneygeneral.gov](mailto:bflowers@ohioattorneygeneral.gov) this 22nd day of February, 2021.

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