Supreme Court of Ohio Clerk of Court - Filed February 14, 2024 - Case No. 2023-0334

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO**

Appellee

v.

**RICHARD BEASLEY**

Appellant

**Supreme Court**
**Case No. 23-0334**

**On Appeal from the Summit County Court of Common Pleas**
**Case No. CR-2012-01-0169-A**

**CAPITAL CASE**

# STATE'S RESPONSE TO DEFENDANT-APPELLANT'S MOTION FOR RECONSIDERATION OF DISMISSAL

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Now comes Appellee State of Ohio, by and through undersigned counsel, and respectfully opposes Appellant's Motion for Reconsideration filed on February 9, 2024.

## I. Relevant Procedural History

After a trial at which the State called 42 witnesses, a Summit County jury convicted Appellant Richard Beasley of multiple counts and specifications relating to his murder of R.G., D.P., and T.K. It also convicted Beasley of multiple counts of attempted murder, aggravated robbery, kidnapping, having weapons while under disability, grand theft, and petty theft. Those convictions resulted from Beasley following the same modus operandi of posting a Craigslist ad for a non-existent job, luring the victims into an isolated place, and then shooting them. Due to the jury finding Beasley guilty of multiple death specifications, the matter proceeded into a penalty phase after which the jury unanimously recommended the imposition of three death sentences. The trial court subsequently imposed three death sentences as well as an aggregate 36-year prison term on the firearm specifications and non-capital convictions.

Beasley appealed to this Court, challenging his conviction, the imposition of the death sentences, and the sentences for his noncapital convictions. This Court affirmed his convictions as well as the death sentences, but vacated the sentence on the noncapital convictions. This Court therefore remanded the case "for the limited purpose of resentencing Beasley on [the noncapital] convictions." *State v. Beasley*, 153 Ohio St.3d 497, 2018-Ohio-493, ¶ 2. Upon remand, the trial court conducted a limited resentencing hearing and on January 18, 2023, it issued a resentencing entry to memorialize Beasley's sentence on the noncapital convictions. Beasley filed a motion for delayed appeal from the resentencing entry with this Court, which was granted on May 9, 2023. After Beasley failed

to file an Appellant's Brief in a timely fashion, this Court dismissed the appeal for want of prosecution.

The jury's guilty verdicts and the trial court's original imposition of the death penalty and noncapital sentences were issued in 2013. This Court's judgment affirming those verdicts and the death sentences was issued in 2018. The trial court's re-sentencing order was issued on January 18, 2023. Nearly 11 years after the original jury verdict and imposition of death, Beasley has now sought the reconsideration of this Court's dismissal of his appeal from the trial court's limited resentencing order. This Court should deny that Motion for the reasons that follow.

## II. Law and Argument

S.Ct.Prac.R. 18.02(B) states that "[a] motion for reconsideration shall not constitute a reargument of the case[.]" This Court has previously recognized that the Rule's reconsideration mechanism is intended "to correct decisions which, upon reflection, are deemed to have been made in error." *State ex rel. Huebner v. W. Jefferson Village Council*, 75 Ohio St.3d 381, 383 (1995). Beasley has failed to establish such grounds for reconsideration.

Beasley has asserted that he is entitled to reconsideration because he decided against filing his merit brief in a timely fashion until this Court addressed his Motion to Supplement the Record, which was filed on January 16, 2024, a week before the original merit brief deadline. In the Motion to Supplement, Beasley sought to add the following items to the record:

(1) Docket No. 1082, which is a notation transferring the case from Judge Callahan to Judge Wells after Judge Wells' appointment by the Governor;

(2) Docket No. 1094, which is a notation transferring the case from Judge Wells to Judge McLaughlin after the 2018 Election;

(3) Docket Nos. 1098, 1099, 1103, 1117, 1118, 1121, 1128, 1139, 1150, 1151, 1152, 1153 which are certificates of mailing service; and

(4) Docket No. 1140, which is a notation stating "no record of ITN Number/letter mailed to BCI (resentencing)."

Beasley's Motion to Supplement does not explain how those items are in any way relevant to the resentencing order that the trial court issued after this Court's limited remand.

Regardless of those items' apparent irrelevance to the resentencing order, Beasley has not explained how he was justified believing that the mere filing of the Motion to Supplement would extend the deadline for his merit brief. Even more importantly, Beasley fails to explain why he should get another bite at the apple at proceeding with an appeal from the trial court's resentencing order. This Court has already granted him a delayed appeal and provided him with 180 days to prepare a merit brief regarding the imposition of consecutive sentences, which is a routine argument with well-settled legal standards. There are simply no grounds for further delay in this capital case for the sole purpose of reviewing the imposition of consecutive sentences on remand. Thus, Beasley has failed to establish that this Court made an erroneous decision by dismissing this appeal for want of prosecution.

## III. Conclusion

Based on the foregoing, the State requests that this Court deny Beasley's motion for reconsideration.

Respectfully submitted,

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**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing document was forwarded by email to Donald Gallick, donaldgallick@gmail.com, and Don Hicks, donhickslaw@aol.com, on this 14th day of February 2024.

*/s/ C. Richley Raley, Jr.*
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