

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 2, 2023

[Cite as *11/02/2023 Case Announcements #2*, 2023-Ohio-3968.]

APPEALS NOT ACCEPTED FOR REVIEW

2023-0969. State v. Peters.

Trumbull App. No. 2022-T-0106, **2023-Ohio-2028**.

Donnelly, J., concurs, with an opinion.

Brunner, J., dissents.

DONNELLY, J., concurring.

{¶ 1} This court does not have the record in this case to review, because we have not accepted jurisdiction over the case and thus have not ordered that the record be sent to us. We have three substantive filings before us: (1) appellant Elijah D. Peters’s memorandum in support of jurisdiction, (2) the state of Ohio’s memorandum in response, and (3) the Eleventh District Court of Appeals’ decision and judgment entry below. None of those filings reveal the facts underlying the crimes that Peters pled guilty to.

{¶ 2} The three filings before us state that Peters was initially found incompetent to stand trial by the court. Though we have no access to the evidence that was considered in that determination, the finding of incompetence is uncontradicted. The crimes committed were heinous. According to a newspaper article in the *Tribune Chronicle* dated September 23, 2022, then-20-year-old Peters pled guilty to, among other things, two counts of rape of a girl who was under the age of 13 and one count of unlawful sexual conduct with a girl who was 13 years old. *Burghill Man Gets 10 to 15 for Sex Offenses*, *Tribune Chronicle* (Sept. 23, 2022), <https://www.tribtoday.com/news/local-news/2022/09/burghill-man-gets-10-to-15-for-sex-offenses/> (accessed Oct. 23, 2023) [<https://perma.cc/RJF9-DN9R>]. The question in a case like

this is rarely whether or by whom the crimes were committed. Rather, the real issue is often one of culpability: Should the person who committed the heinous acts be found criminally guilty?

{¶ 3} Although the filings before us tell us little about what happened before the court proceedings in the case, the newspaper article from the *Tribune Chronicle* provides some disheartening background information. As reported in the article, according to Peters’s father, Peters “has the thought processes of a 14-year-old.” According to Peters’s aunt, he “doesn’t understand the full repercussions of his actions.” And according to Peters’s grandmother, he has “the mind of a child.” I understand that each of these people has an interest in seeking what is best for Peters—but there is no contrary information in any of the filings before us.

{¶ 4} Moreover, it was in the time period soon after he was charged with the crimes that Peters was found incompetent to stand trial, suggesting that he may have been incompetent when the heinous acts were committed. But nothing in the filings suggests that anybody has considered that issue. I find that disturbing. Our criminal-justice system, as it should, treats people who are developmentally disabled or who suffer other forms of mental disability differently than it treats people without those limitations. Justice is not served by channeling people who may have been mentally incompetent at the time of their offenses into the general prison population—which is what appears to be happening in this case.

{¶ 5} Instead of addressing Peters’s substantive mental-health issues, the staff psychiatrist assigned to Peters appears to have been primarily focused on *restoring* him to competency, which presumes that Peters had been competent at some point in the past. This assessment was performed solely so that he could stand trial or, as happened, plead guilty. Should restoring a person to competency so that the person can stand trial or plead guilty be an integral part of our criminal-justice system? Should a psychiatrist be charged with coaching a person with an IQ that is between “intellectual disability and * * * below average intelligence,” 2023-Ohio-2028, ¶ 7, to a point at which that person is somehow able to answer enough questions about the criminal-justice system to be deemed competent to stand trial? Given our system of separation of powers, judges are not in a position to answer these questions, but I think the questions should be asked and that the people who develop policy in this area should answer them.

{¶ 6} The proposition of law submitted in this case does not help us get to the real issue—culpability—because that issue was never raised. I think it should be.
