

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 16, 2025

[Cite as *10/16/2025 Case Announcements #2*, 2025-Ohio-4740.]

MOTION AND PROCEDURAL RULINGS

2024-1768. State v. Jones.

Hamilton App. No. C-220007, **2024-Ohio-5501**. On appellee's motion to proceed as cocounsel and motion for stay. Motions denied.

Fischer, J., concurs, with an opinion.

Michelle J. Sheehan, J., of the Eighth District Court of Appeals, sitting for Deters, J.

FISCHER, J., concurring.

{¶ 1} Appellee, Michael Jones, is a criminal defendant represented by the Hamilton County Public Defender in this discretionary appeal filed by appellant, the State of Ohio.

{¶ 2} Yet, Jones has moved to proceed as cocounsel in the defense of his case on appeal, essentially seeking hybrid representation. I agree with the court that Jones's motion to proceed as cocounsel should be denied based on this court's decisions in *State v. Thompson*, 33 Ohio St.3d 1, 6-7 (1987), and *State v. Martin*, 2004-Ohio-5471, paragraph one of the syllabus and ¶ 31-32, in which this court held and then reaffirmed that a criminal defendant has no right under the Ohio Constitution to hybrid representation. But I emphasize that my concurrence in the court's denial of Jones's motion is based solely on the fact that those decisions remain binding law.

{¶ 3} However, I emphasize that this court should revisit those decisions in an appropriate case because the plain language of Article I, Section 10 of the Ohio Constitution supports the argument that a criminal defendant has a constitutional right to hybrid

representation, at least at trial, and this court did not analyze the relevant constitutional language in *Martin* or *Thompson*. See also *State v. Hackett*, 2020-Ohio-6699, ¶ 34-36 (Fischer, J., concurring). Because this is not the appropriate case in which to revisit those decisions, I concur in the court's denial of Jones's motion.
