

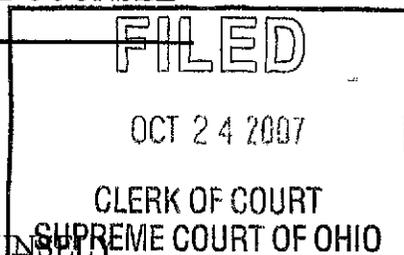
**IN THE OHIO SUPREME COURT**

STATE OF OHIO :  
 :  
 Plaintiff-Appellee, :  
 :  
 vs. : Case No. 2003-1325  
 :  
 GERALD R. HAND, : On Appeal from Delaware County  
 : Court of Common Pleas  
 Defendant-Appellant. : Case No. 02-CRI-08-366  
 :  
 : This is a capital case.

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**PLAINTIFF-APPELEE STATE OF OHIO'S MEMEORANDUM CONTRA  
DEFENDANT-APPELLANT'S MOTION TO REOPEN APPEAL ON THE BASIS  
OF INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL**

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## **I. Introduction**

A jury of his peers convicted Gerald Hand, Defendant-Appellant (hereinafter Defendant) of multiple crimes, including the aggravated murders of his fourth wife, Jill Hand, and his former friend and co-conspirator, Lonnie Welch. The jury heard from more than 80 witnesses and reviewed more than 300 exhibits in reaching its decision. The jury then recommended – and the trial court ordered – that the Defendant be executed for his crimes. Defendant now files his second application to reopen based on ineffective assistance of appellate counsel. Defendant’s application must be denied not only because Defendant fails to carry his burden, but also because the Defendant has no right to file a successive application for reopening of his direct appeal. State v. Cooley (2003), 99 Ohio St. 3d 345.

## **II. Argument**

In order to justify the re-opening of an appeal, Defendant has the burden of establishing that there is a genuine issue as to whether he has a colorable claim of ineffective assistance of appellate counsel. State v. Sheppard (2001), 91 Ohio St.3d 329, 329, quoting State v. Spivey (1998), 84 Ohio St. 3d 24, 25. To establish a claim of ineffective assistance of counsel, Defendant must show both that counsel’s performance fell below an objective standard of reasonableness, and that prejudice resulted from counsel’s performance. State v. Bradley (1989), 42 Ohio St.3d 136, paragraph two of the syllabus. Prejudice exists if there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. Strickland v. Washington (1984), 466 U.S. 668, 694. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the proceedings. Id. Phrased

another way, in order to show ineffective assistance of appellate counsel, Defendant must prove that counsel was deficient for failing to raise the issues he now presents, and that there was a reasonable probability of success had those claims been presented on appeal. State v. Sheppard (2001), 91 Ohio St.3d 329, 329.

In the instant case, Defendant asserts that appellate counsel was ineffective for three reasons: (a) that appellate counsel failed to raise the issue of collateral estoppel; (b) that appellate counsel failed to raise the issue of admission of prior bad acts under Evid.R. 404(b); and (c) that appellate counsel failed to raise the issue of trial counsel's failure to object to the privileged testimony regarding Defendant's bankruptcy attorney. Each of these allegations of ineffective appellate counsel is feckless; Defendant has no reasonable probability of success on these claims upon appeal, and as such, his application must be denied.

**A. Appellate counsel's failure to raise the issue of collateral estoppel upon appeal was not deficient, as Defendant had no reasonable probability of success based on such a claim.**

Defendant's first assignment of error is without merit because Defendant, on appeal, had no reasonable probability of success based on a claim of collateral estoppel. First, Defendant did not provide the trial court with evidence sufficient to make a finding of collateral estoppel at trial. Second, Defendant was not put in jeopardy by the Court of Claims proceeding awarding him \$50,00.00, and therefore the protections of the Double Jeopardy Clause, which include the doctrine of collateral estoppel, were not triggered at trial. Third, because the state in 1979 could not have reasonably foreseen that the issue in the Court of Claims proceeding would subsequently be used collaterally, the state had little knowledge or incentive to litigate the issue fully and vigorously. For these reasons,

the doctrine of collateral estoppel is unavailable to Defendant. Therefore, appellate counsel's failure to raise this issue on appeal was not deficient.

1. **Defendant did not provide the trial court with a record of the proceedings of the Court of Claims, and therefore did not present evidence sufficient to support a finding of collateral estoppel.**

A defendant who asserts a claim of collateral estoppel bears the burden of demonstrating that the issue whose relitigation he seeks to foreclose was actually decided in the first proceeding. Dowling v. United States (1990), 493 U.S. 342, 350. The party asserting the collateral estoppel must prove that the identical issue was actually litigated, directly determined, and essential to the judgment in the prior action. Goodson v. McDonough Power Equipment, Inc. (1983), 2 Ohio St.3d 193, 201.

In the instant case, the only portion of the record of the earlier proceeding presented to the trial court was the judgment entry of the Court of Claims, presented as part of State's Exhibit 45. Defendant did not present any portion of the record in an attempt to satisfy his burden of proof. See Dowling, 493 U.S. at 350; Goodson, 2 Ohio St.3d at 201. The appellate court, in order to satisfy a claim of collateral estoppel, would be required to examine the record in order to determine which issues were actually decided. State v. Phillips (1995), 74 Ohio St.3d 72, 80. The minimal portion of the record before the trial court was insufficient to determine whether the issue Defendant sought to foreclose was actually litigated, directly determined, and essential to the judgment of the earlier action. See Dowling, 493 U.S. at 350; Goodson, 2 Ohio St.3d at 201. Thus, Defendant did not carry his burden of demonstrating at trial that the issue whose relitigation he sought to foreclose was actually decided in the first proceeding.

Therefore there was no valid claim of collateral estoppel to be made upon appeal, and Defendant had no reasonable probability of success on appeal based on such a claim

**2. Because Defendant was not put in jeopardy in the initial proceeding in the Court of Claims, the collateral estoppel protection embodied in the Double Jeopardy Clause of the Fifth Amendment does not apply to Defendant.**

In the context of a criminal prosecution, collateral estoppel has been defined as meaning that “when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit.” Ashe v. Swenson (1970), 397 U.S. 436, 443; *see also* State v. Lovejoy (1997), 79 Ohio St.3d 440, 443. The doctrine of collateral estoppel is embodied in the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution. Ashe, 397 U.S. at 445-46. The constitutional prohibition against Double Jeopardy can only be applied after a person has twice been placed in jeopardy, i.e. after jeopardy has twice attached. Serfass v. United States (1975), 420 U.S. 377, 388. Because the doctrine of collateral estoppel is derived from the Double Jeopardy Clause, the defendant must have been placed in jeopardy in a prior case in order for the doctrine to apply to the current action. State v. Felter (Sept. 17, 1999), unreported, Sixth District No. H-99-001, attached; *see also* State v. Phillips (1995), 74 Ohio St.3d 72, 80. Jeopardy, in the constitutional sense, describes the risk associated with criminal prosecutions. Breed v. Jones (1975), 421 U.S. 519, 528. Thus, the Double Jeopardy Clause protects only against the imposition of multiple *criminal* punishments for the same offense, and does not prohibit the imposition of civil sanctions that could, in the common parlance, be described as punishment. Hudson v. United States (1997), 522 U.S. 93, 98-99.

The Defendant was never placed in jeopardy during his compensation claim. Following the murder of Donna Hand, Defendant filed a reparations application in the Court of Claims of Ohio, Victim's of Crime Division. In May of 1979, the Court of Claims awarded Defendant-Appellant \$50,000.00. Defendant was not placed in jeopardy at all in the Court of Claims, because Defendant did not risk the imposition of criminal punishment—he only gained money. And, because Defendant's reparations application to the Court of Claims did not place him in jeopardy, the findings of the Court of Claims cannot be used to satisfy a claim of collateral estoppel. See State v. Felter (Sept. 17, 1999), Sixth District No. H-99-001, unreported. As such, Defendant has no claim of collateral estoppel, embodied in the Double Jeopardy Clause of the Fifth Amendment.

- 3. Because the State could not have reasonably foreseen that the issue in the Court of Claims proceeding would subsequently be used collaterally, the state had little knowledge or incentive to litigate the issue fully and vigorously, and to foreclose relitigation of such issue would be contrary to public policy.**

Collaterally estopping a party from relitigating an issue previously decided against it violates due process where it could not be foreseen that the issue would subsequently be used collaterally, and where the party had little knowledge or incentive to litigate fully and vigorously in the earlier proceeding due to the procedural and/or factual circumstances presented therein. Goodson v. McDonough Power Equipment, Inc. (1983), 2 Ohio St.3d 193, 201.

Although the State cannot assert a right to due process, the policy reasons surrounding the exception to collateral estoppel are equally applicable to the State in the instant case. The State, in 1979, could not have foreseen that both Lori Hand and Jill Hand would be murdered under circumstances suspiciously similar to those of the death

of Donna Hand, and that Donna Hand's murder would be used as a death penalty specification. Furthermore, the State's lack of incentive to investigate was entirely a result of a fraud perpetrated upon the court by Defendant. As such, it was proper for the trial court to not apply the doctrine of collateral estoppel in the instant case. Because the trial court's decision was proper, there was no valid claim of collateral estoppel to be made upon appeal, and Defendant had no reasonable probability of success on appeal based on such a claim. Appellate counsel's failure to present a claim with no reasonable probability of success was not deficient. Therefore, Defendant's application to reopen must be denied.

**B. Evidence of the prior murders of Defendant's wives was properly admitted under Evid. R. 404(b) because ample evidence supported the State's theory that the Defendant killed Lonnie Welch to silence a witness to those murders.**

Evidence of the murders of Donna and Lori Hand was properly admissible under Evid.R. 404(b) to prove Defendant's motive for murdering Lonnie Welch. The evidence was also admissible under Evid.R. 404(b) to prove that Defendant and Lonnie Welch engaged in conspiracies to commit the murders of all of Defendant's wives. The trial court's resolution of these issues was proper, and would have been affirmed on appeal. An appeal on this issue stood no reasonable probability of success.

Pursuant to Ohio Evidence Rule 404(b) evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. Evidence of other crimes or wrongs, however, may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. See, State v. Watson (1971), 28 Ohio St.2d

15, 21; State v. Roe (1989), 41 Ohio St.3d 18, 23. The criminality of conduct is no obstacle to its admission into evidence, provided that the conduct is offered for some relevant purpose. Watson, 28 Ohio St.2d at 21. A party cannot, by multiplying his crimes, diminish the volume of competent testimony against him.

In this vein of his application to reopen, Defendant mistakenly conflates the “witness” requirement of Evid.R. 804(b)(6), forfeiture by wrongdoing, with the “motive” exception embodied in Evid.R. 404(b). Evid. R. 404(B) simply does not require that Defendant be charged with the deaths of his first two wives or that Lonnie Welch intended to testify against Defendant in a pending criminal case for other crimes or wrongs to be admissible at trial. Nonetheless, pursuant Evid. R. 804(b)(6), the State did prove that Welch was a witness and that one of Defendant’s motives in killing Welch was to silence a potential witness. *See, United States v. Houlihan* (1<sup>st</sup> Cir. 1996), 92 F. 3d 1271, 1279. Whether couched in terms of Evid. R. 404(B), or otherwise, Defendant’s claims were squarely argued and decided on direct appeal and serve no basis for an application to reopen based on ineffectiveness of appellate counsel.

Defendant is also incorrect in asserting that no evidence existed which showed that Welch killed Hand’s wives. Defendant ignores the testimony of at least five pivotal witnesses: Kenny Grimes; Shannon Welch; Pete Adams; David Jordan and Teresa Fountain.

Kenny Grimes was Defendant’s former cellmate in the Delaware County Jail. Defendant admitted to Grimes that in killing Jill Hand and Lonnie Welch—that he had killed “two birds with one stone.” Tr. at 3025. The Defendant also explained to Grimes that in killing Lonnie he took care of the only eyewitness to the murders of Jill Hand,

Donna Hand, and Lori Hand by saying “If there’s no witness, there’s no case.” Tr. at 3007-3034.

Shannon Welch, the older brother of Lonnie Welch, testified that Lonnie Welch in July or August 2001 asked Shannon for a pistol and explained to Shannon what he did for extra money—that he had killed Bob’s first wife and was planning to kill the current wife. Tr. at 2640-2654.

Pete Adams, Lonnie Welch’s first cousin, testified that in 1979 Lonnie confessed to killing Donna and Lori Hand for “Bob.” Tr. at 2394-2395.

David Jordan testified he met Welch while incarcerated in the Franklin County Jail. While in jail, Welch recruited Jordan to help kill someone for “Bob” that he had worked for before and that “Bob” was good for the money. Tr. at 2908-2910.

Finally, Teresa Fountain overheard Welch talking to Isaac Bell, Fountain’s then-boyfriend, about “knocking-off” his boss’s wife for insurance money. Tr. at 3116. After the murder, Welch threatened Fountain in an attempt to keep her silent. Tr. at 3119.

Clearly, based on the testimony of no fewer than five witnesses, the State not only had evidence to support the fact that Welch had killed Defendant’s wives, but the State also proved that one of Defendant’s motives in killing Welch was to silence a potential witness. An appeal on this issue has no reasonable probability of success.

**C. Statements made by Defendant regarding bankruptcy potential and the admission of State’s Exhibit #70 did not violate the attorney-client privilege, and therefore did not provide a basis for objection or appeal.**

The attorney-client privilege bestows upon the client the power to refuse to disclose, and to prevent others from disclosing, confidential communications made

between the attorney and client in the course of seeking or rendering legal advice. State ex rel. Thomas v. Ohio State Univ. (1994), 71 Ohio St.3d 245, 249. The purpose of the privilege is to ensure free communication between attorney and client, without fear that the client's confidences will be disclosed. *See* Moskovitz v. Mt. Sinai Med. Ctr. (1994), 69 Ohio St.3d 638, 660. The privilege, however, is not absolute, and the mere relation of attorney and client does not raise a presumption of confidentiality of all communications made between them. Id. An attorney may be properly examined as to the existence of the relation of attorney and client between himself and his client, when such relation began and ended, and the character in which his client employed him. In re: Martin (1943), 141 Ohio St. 87, 104-05.

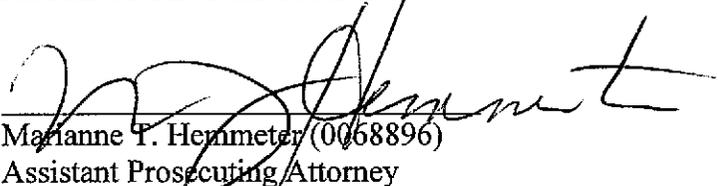
In the instant case, the State did not infringe on the attorney-client privilege. State's Exhibit 70 was a letter sent from the law firm of Semons and Semons, to Defendant. The letter states the date and time of Defendant's appointment with the law firm of Semons and Semons. Because this indicates the initiation of an attorney-client relationship, such information is not privileged. In re: Martin, 141 Ohio St. at 104-05. . The letter further states that the appointment is for the purpose of considering bankruptcy. This information is not privileged, because it describes the character in which Defendant employed the law firm of Semons and Semons. Id. Furthermore, the cross-examination of Defendant did little more than elicit the same unprivileged testimony from the Defendant, himself. Therefore, an appeal on the issue stood no reasonable probability of success. Appellate counsel's failure to present a claim that stood no reasonable probability of success was not deficient. Defendant has not presented a genuine issue as

to a colorable claim of ineffective assistance of counsel, and therefore Defendant's motion to re-open appeal should be denied.

### III. Conclusion

Defendant has not presented a genuine issue as to a colorable claim of ineffective assistance of counsel. Appellate counsel's failure to present a claim, or claims, with no reasonable probability of success was not deficient. As such, the Defendant's second application to reopen must be denied.

RESPECTFULLY SUBMITTED,  
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### Certificate of Service

I hereby certify that on the 24<sup>th</sup> day of October, 2007, an exact copy of the foregoing document was provided via regular US mail to:

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## **Appendix A**

**H**

Statev. Felter

Ohio App. 6 Dist., 1999.

Only the Westlaw citation is currently available.

CHECK OHIO SUPREME COURT RULES FOR  
REPORTING OF OPINIONS AND WEIGHT OF  
LEGAL AUTHORITY.

Court of Appeals of Ohio, Sixth District, Huron

County.

STATE of Ohio, Appellant,

v.

Chad A. FELTER, Appellee.

No. H-99-001.

Sept. 17, 1999.

Russell V. Leffler, prosecuting attorney, and Richard

R. Woodruff, for appellant.

John D. Allton, for appellee.

HANDWORK, P.J.

\*1 This case is on appeal from the February 5, 1999  
judgment of the Huron County Court of Common

Pleas which granted the motion of appellee to dismiss  
the indictment brought against him. Appellant, the  
state of Ohio, appeals presenting the following sole  
assignment of error:

“THE TRIAL COURT ERRED IN GRANTING  
THE APPELLEE’S MOTION TO DISMISS ON  
THE BASIS OF COLLATERAL ESTOPPEL.”

Appellee was indicted on July 31, 1998 on three  
counts of child endangering, in violation of R.C.  
2919.22(A), (B)(1), and (B)(2). The alleged acts  
occurred between June 1, 1998 and July 24, 1998. On  
November 17, 1998, appellee moved to dismiss the  
charges against him on the grounds of *res judicata*  
and/or collateral estoppel. Appellee argued that in a  
juvenile case involving the same allegations, the  
court found that the allegations of abuse had not been  
proven. Appellant argued that collateral estoppel, or  
issue preclusion, was not applicable in this case  
because there was no mutuality of parties between  
the two cases. It argued that the juvenile case was  
initiated by the County Department of Human  
Services, not the state of Ohio.

The trial court initially denied the motion to dismiss

because appellee failed to provide the court with a copy of the judgment entry entered in the juvenile case. Appellee then filed a second motion to dismiss attaching copies of the transcript of proceedings and the judgment entry from the juvenile case. The juvenile court stated in its judgment entry that it had found "that the complaint allegations were not proven beyond a reasonable doubt; \* \* \* " and dismissed the case.

By an order journalized February 5, 1999, the trial court granted appellee's motion to dismiss. The court found that there was privity between the County Department of Human Services and the state of Ohio.

On appeal, appellant argues that the application of the doctrine of collateral estoppel in a criminal action is appropriate only when the defendant was placed in jeopardy in the prior case. It argues that this was not the situation in this case because the juvenile case was a civil case. This issue is one of first impression in Ohio.

In the criminal context, collateral estoppel has been defined to mean that "when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." Ashe

v. Swenson (1970), 397 U.S. 436, 443, 90 S.Ct. 1189, 25 L.Ed.2d 469. See, also, State v. Lovejoy (1997), 79 Ohio St.3d 440, 443, 683 N.E.2d 1112. Although equitable estoppel originated as a civil doctrine, it was adopted as a rule of federal criminal law as early as 1916. Today, it is also viewed as being "embodied in the Fifth Amendment guarantee against double jeopardy." Ashe, *supra* at 445. The doctrine of collateral estoppel and the guarantee against double jeopardy of the Fifth Amendment are applicable to the states through the Fourteenth Amendment to the United States Constitution. Lovejoy, *supra*, at 443, 683 N.E.2d 1112.

\*2 Since the doctrine of criminal collateral estoppel is derived from the Double Jeopardy Clause of the Fifth Amendment, the defendant must have been placed in jeopardy in a prior criminal case for the doctrine to be applicable in the current action. Ashe, *supra* at 443; State v. Phillips (1995), 74 Ohio St.3d 72, 80, 656 N.E.2d 643, reconsideration denied (1995), 74 Ohio St.3d 1485, 657 N.E.2d 1378; and In re Susi (1973), 38 Ohio App.2d 73, 76, 313 N.E.2d 422, certiorari denied, Moretti v. Ohio (1975), 420 U.S. 928, 95 S.Ct. 1126, 43 L.Ed.2d 398.

The doctrine is also applicable in a criminal action where the prior proceeding was civil in nature. Yates

v. United States (1957), 354 U.S. 298, 336, 77 S.Ct. 1064, 1 L.Ed.2d 1356, overruled on other grounds in Burks v. United States (1978), 437 U.S. 1, 98 S.Ct. 2141, 57 L.Ed.2d 1. However, in those cases, the civil action was similar to a criminal action and a criminal-type penalty was imposed causing double jeopardy to attach in the civil case. Hudson v. United States (1997), 522 U.S. 93, 118 S.Ct. 488, 139 L.Ed.2d 450. Whether the civil action sanction is a criminal penalty is a matter of statutory construction, a legal issue for the court to determine. *Id.* and One Lot Emerald Cut Stones and One Ring v. United States (1972), 409 U.S. 232, 237, 93 S.Ct. 489, 34 L.Ed.2d 438.

In this case, the juvenile statutes governing termination of parental rights do not impose criminal-type penalties upon the parents. The General Assembly expressly stated that the purpose of R.C. Chapter 2151 is to “provide for the care, protection, and mental and physical development of children subject to Chapter 2151 of the Revised Code” and to do so “ \* \* \* whenever possible, in a family environment, separating a child from his parents only when necessary for his welfare or in the interest of public safety. \* \* \* ” R.C. 2151.01(A) & (C). Thus, there was no intention to punish parents for poor parenting skills. This court did state on one occasion

that the termination of parental rights is a “penalty for failure to satisfy the requirements of a particular case plan \* \* \*.” In the Matter of Amanda W. (Nov. 21, 1997), Lucas App. No. L-97-1058, unreported. However, the word “penalty” was used in the sense of “consequence,” not “criminal penalty.”

Appellee correctly states that parenting is a fundamental liberty interest. Therefore, they are entitled to the constitutional guarantees of due process and equal protection. State ex rel. Heller v. Miller (1980), 61 Ohio St.2d 6, 399 N.E.2d 66, paragraph two of the syllabus. However, we cannot find any court which has held that the constitutional guarantee against double jeopardy applies to a parental termination case.

\*3 We also disagree with appellee that another Ohio court has held that a civil judgment may be the basis of a collateral estoppel in a criminal proceeding. In State v. Bray (Jan. 14, 1998), Summit App. Nos. 18375 and 18398, unreported, the court was faced with the application of collateral estoppel from a civil to criminal case. The court held that collateral estoppel could not be applied because the issue decided in the civil case did not necessarily determine the issue in the criminal case. The court did not hold that collateral estoppel could be used in

such a situation; it merely found that it would not apply because the issues were different. We do not interpret this case as implicitly holding that collateral estoppel may be used in this manner.

Finally, we find that the Kentucky case of *Gregory v. Commonwealth* (Ky.1980), 610 S.W.2d 598, 600, cited by appellee does not support appellee's case even if we accepted the reasoning of the court. In the *Gregory* case, the court concluded that the doctrine of collateral estoppel could be applied in a criminal case where the prior case was a civil case. *Id.* at 600. However, the court went on to state that the doctrine was not applicable in that case. In the prior civil case, a juvenile court determined that there was insufficient evidence to indicate that Gregory's children had been sexually abused by him. The Kentucky Supreme Court did not permit this finding to be used to bar prosecution of Gregory for criminal charges arising out of the same facts. The court held that the issue of Gregory's guilt or innocence had not been resolved by the juvenile court. Furthermore, the court found that the juvenile court's factual findings regarding Gregory's abuse of his children were not essential to its finding that the children should be committed to the Department for Human Resources.

The Sixth Circuit similarly found that the judgment

in a probation revocation hearing did not bar a later prosecution for a criminal offense arising out of the same conduct. The court reasoned that the decision in the probation revocation hearing was "not a 'valid and final judgment' on the probationer's involvement in alleged criminal activities \* \* \*." *United States v. Miller* (C.A.6, 1986), 797 F.2d 336, 341.

In the case before us, the juvenile court action was not the type of civil action wherein double jeopardy attaches. Therefore, we conclude that the doctrine of collateral estoppel is not applicable in the criminal action to bar appellee's prosecution for a criminal offense arising out of the same conduct at issue in the juvenile case. The trial court's granting of appellee's motion to dismiss was erroneous. Appellant's sole assignment of error is well-taken.

Having found that the trial court did commit error prejudicial to appellant, the judgment of the Huron County Court of Common Pleas is reversed. This case is remanded to the trial court for further proceedings consistent with this decision. Pursuant to App.R. 24, appellee is hereby ordered to pay the court costs incurred on appeal.

**\*4 JUDGMENT REVERSED.**

Not Reported in N.E.2d  
Not Reported in N.E.2d, 1999 WL 727096 (Ohio App. 6 Dist.)  
(Cite as: Not Reported in N.E.2d)

A certified copy of this entry shall constitute the  
mandate pursuant to App.R. 27. See, also, 6th  
Dist.Loc.App.R. 4, amended 1/1/98.

HANDWORK, P.J. and SHERCK and KNEPPER,

JJ., concur.

Ohio App. 6 Dist.,1999.

State v. Felter

Not Reported in N.E.2d, 1999 WL 727096 (Ohio  
App. 6 Dist.)

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