

# The Supreme Court of Ohio

OFFICE OF THE ADMINISTRATIVE DIRECTOR

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
SHARON L. KENNEDY

ADMINISTRATIVE DIRECTOR  
ROBERT W. HORNER, III

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PATRICK F. FISCHER  
R. PATRICK DEWINE  
MICHAEL P. DONNELLY  
MELODY J. STEWART  
JENNIFER BRUNNER  
JOSEPH T. DETERS

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November 8, 2023

Melissa Knopp  
Ohio Criminal Sentencing Commission  
65 S. Front St., 5<sup>th</sup> Floor  
Columbus, Ohio 43215

***Re: Statutory Changes Regarding New Trial Motions Based on Newly  
Discovered Evidence***

Ms. Knopp,

Welcome to the Ohio Criminal Sentencing Commission. Although I am relatively new to my position, it appears to me that the important work of our two organizations will intersect at times. I look forward to working with you on those occasions and getting to know you and your vision for the Commission in the meantime.

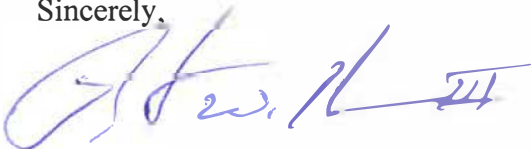
As an initial matter for your consideration, Chief Justice Kennedy and the Justices respectfully ask that the Ohio Criminal Sentencing Commission consider whether statutory changes are needed to better address wrongful convictions, particularly those litigated through the new trial motion process.

The Supreme Court of Ohio has considered this issue recently through the work of its Commission on the Rules of Practice and Procedure and the former Chief Justice's Task Force on Conviction Integrity and Postconviction Review. In its July 2022 report, the Task Force recommended certain statutory and procedural rule changes to help improve integrity in the conviction and post-conviction review process. Starting with those recommendations, the Commission on the Rules of Practice and Procedure proposed amendments to Criminal Rule 33. The challenge for this Court in considering the Commission's proposal, however, is that much of the authority to accomplish the needed change rests with the General Assembly. The change this Court can accomplish with its limited rule-making authority, alone, is not enough to achieve the sought after universal goal.

I have enclosed the Task Force Report and Crim.R. 33 proposal for your consideration in this effort. On behalf of the Chief Justice and Justices of the Supreme Court of Ohio, I kindly ask that you consider this issue and work with the Ohio General Assembly to improve the legal standard and process for post-conviction review of newly discovered evidence.

If you have any questions, please do not hesitate to contact me at (614) 387-9503.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. W. Horner, III". The signature is fluid and cursive, with a horizontal line extending from the end.

Robert W. Horner, III  
Administrative Director

Enclosures

Cc: Chief Justice Sharon L. Kennedy, Chair of the Ohio Criminal Sentencing Commission

Judge Nick Selvaggio, Vice-Chair of the Ohio Criminal Sentencing Commission