

Briefing a case state v. wells



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v. Wells Court of Appeals for Green County, Ohio. Legal History: The appellant pleaded guilty to aggravated vehicular homicide and vehicular assault in the Greene County Common Pleas Court. She was subsequently convicted and sentenced. She appealed her sentence and conviction in the Court of Appeals for Green County, Ohio.

Facts: On the facts of the case, the appellant was involved in a motor car accident after running a red light. As a result of the accident, one individual was killed and another injured. As a result the appellant was charged with one count of vehicular homicide and one count of vehicular assault. The appellant maintained her innocence, but believing that she would be convicted and sentenced harshly at a trial, she entered into plea negotiations and agreed to plead guilty provided the prosecution recommend a sentence of 8 years on the vehicular homicide count, and 4 years for the vehicular assault to run concurrently. The prosecution agreed and the appellant pleaded guilty (Alford pleas). The court accepted the prosecution's recommendations for sentencing and the appellant was sentenced accordingly.

Legal Issues: The appellant raised two legal issues on appeal. First she contends that the trial court erred in failing to ascertain whether or not her Alford pleas were entered “freely and knowingly” pursuant to the US Supreme Court's ruling in *North Carolina v Alford* (1971) 400 U. S. 25. Secondly, the appellant argued that her guilty pleas were not entered freely and knowingly because her attorney had not properly informed her of the legal consequences of the guilty pleas.

Holding: The appellate court dismissed the appeal on both grounds and affirmed the judgment of the lower court.

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Reasoning: After reviewing the record of the proceedings in the lower court the appellate court determined that the court specifically inquired as to why the appellant was pleading guilty and not opting to go to trial. It was revealed that the appellant agreed that she felt she would be convicted despite her innocence and would receive a harsher sentence than the sentence she negotiated under the plea agreement. Thus, the court found that the necessary inquiries were made pursuant to the Alford case to ascertain that the appellant had freely and knowingly accepted a plea agreement. Therefore the first ground of appeal was dismissed on the merits. As to the second ground of appeal, the appellate court reasoned that there was no evidence on the record illustrating that the attorney did not properly inform the appellant of the legal consequences of Alford pleas. Relying on *State v Cooperrider* (1983) 4 Ohio St. 3d. 226, the appellate court reasoned that when an appellant relies on evidence that is not on the record, the proper course of action is for post-conviction relief and not by way of appeal. Thus the second ground was not properly argued and was therefore dismissed on procedural grounds.