

IN THE COMMON PLEAS COURT OF MIAMI COUNTY, OHIO
GENERAL DIVISION

STATE OF OHIO	:	CASE NO: 26 CR 088
Plaintiff,	:	
vs.	:	JUDGE JEANNINE N. PRATT
CALEB C. FLYNN	:	
Defendant.	:	<u>DECISION DENYING MOTION FOR</u>
	:	<u>CHANGE OF VENUE AND DENYING</u>
	:	<u>MOTION FOR JURY</u>
	:	<u>SEQUESTRATION</u>

This matter came before the Court on the Defendant's Motion for Change of Venue, filed August 17, 2026, and the State's Motion for Jury Sequestration, filed August 17, 2026. The Court held a hearing on the Motions on August 25, 2026. Counsel for both parties advised the Court that they would rely on their briefing and offered no additional evidence in support of their Motions.

Upon consideration of the Motions, and the parties' arguments at the hearing, the Court finds the following:

The Court finds the Motion for Change of Venue is not well-taken at this time. A defendant seeking a change of venue based upon prejudicial pretrial publicity must first establish that the publicity was of such a degree and character as to create a presumption of prejudice against the defendant. If no presumption arises, the defendant must demonstrate that an actual juror was prejudiced against him. *State v. Martin*, 2017-Ohio-7556, ¶ 30, 151 Ohio St. 3d 470, 475, 90 N.E.3d 857, 869. See also, *State v. Warner*, 55 Ohio St.3d 31, 46, 564 N.E.2d 18 (1990).

The mere fact that prospective jurors have been exposed to publicity concerning a case does not, standing alone, establish prejudice. Jurors need not be completely ignorant of the facts of a case. Rather, a defendant must make a clear and manifest showing that the publicity was so

pervasive and prejudicial that any attempt to seat an impartial jury would be futile. *Id.*

Ohio law recognizes that voir dire is the best means of determining whether pretrial publicity has resulted in actual prejudice requiring a change of venue. R.C. 2931.29 vests the trial court with discretion to determine whether a change of venue is necessary to ensure a fair and impartial trial. Where prospective jurors may have formed opinions concerning the defendant's guilt but those opinions are not fixed and would yield to the evidence presented at trial, a change of venue is not required. *State v. Swiger*, 5 Ohio St. 2d 151, 164, 214 N.E.2d 417, 427 (1966).

At this stage of the proceedings, the Court cannot conclude that the record establishes presumptive prejudice or that the publicity surrounding this case is so pervasive and prejudicial that an impartial jury cannot be seated. The appropriate test is whether the Court can seat a fair and impartial jury, which is best determined through a thorough voir dire examination. Accordingly, in the interests of judicial economy and the avoidance of unnecessary expense, the Court will first make a good-faith effort to select an impartial jury. In doing so, the Court intends to employ a number of remedial measures, including the summons of a larger jury pool, detailed jury instruction, extended voir dire and perhaps a juror questionnaire. Only after the voir dire process will the Court and the parties be able to determine the impact, if any, of pretrial publicity. The issues will be revisited in the event a jury cannot be seated.

Therefore, Defendant's Motion for Change of Venue is hereby **DENIED** without prejudice. The Court may revisit the issue if, following voir dire, the record demonstrates that an impartial jury cannot be seated in this venue.

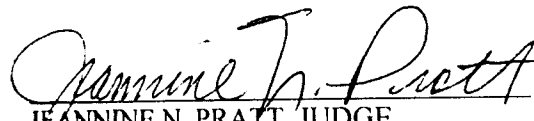
The Court finds the Motion for Jury Sequestration is not well-taken at this time. The decision whether to sequester a jury prior to submission of the case rests within the sound discretion of the trial court. The trial court is in the best position to evaluate the atmosphere surrounding the proceedings and to determine whether appropriate instructions directing jurors not to discuss the case, conduct independent research, or read or view media coverage are sufficient to protect the parties' right to a fair trial. *State v. Gross*, 2002-Ohio-5524, ¶ 41, 97 Ohio St. 3d 121, 133, 776 N.E.2d 1061, 1082. Likewise, absent a showing of outside influence upon the jury, the trial court's determination regarding whether sequestration is necessary under the circumstances existing at the time and place of trial is committed to its discretion. *State v. Maurer*, 15 Ohio St. 3d 239, 252–53, 473 N.E.2d 768, 782 (1984).

Ohio Crim. R. 24(H) sets forth provisions for the control of juries during the various stages of the proceedings, the terms of which vary based upon the degree of the offense. Pursuant to the rule, sequestration of a jury is only *required* in a capital case, after the case has been submitted to the jury for deliberation. Crim. R. 24(H)(2). The rule further *permits* the Court, in its discretion, to sequester the jury before final submission of the case. Crim. R. 24(H)(1). This is not a capital case. Accordingly, the question of separation of the jury prior to deliberations remains within the sound discretion of the trial court.

At this time, the State has not demonstrated the existence of outside influence, prejudicial publicity, or other circumstances establishing that sequestration prior to deliberations is necessary. The Court finds that appropriate and repeated admonitions to the jurors not to discuss the case with anyone, consume media coverage concerning the case, conduct independent research, or otherwise obtain information about the matter outside the courtroom are sufficient to protect the integrity of these proceedings.

Accordingly, the State's Motion for Jury Sequestration is **DENIED**. The Court may revisit the issue should circumstances arise during trial demonstrating that sequestration is necessary to ensure a fair and impartial proceeding.

IT IS SO ORDERED.


JEANNINE N. PRATT, JUDGE
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cc: / Prosecutor
/ L. Patrick Mulligan, Defense
/ Emily Smith, Defense