**CAPTION:** **STATE V. MORRIS**

**11-15-23**

APPEAL NO.: C-230108

TRIAL NO.: B-2202366

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL– RIGHT TO COUNSEL – WAIVER – ATTACHMENT – STATE CONSTITUTIONAL RIGHTS – INTERROGATION

SUMMARY:

Defendant’s right to counsel under the Sixth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution attached at his arraignment, where defendant was brought before a judge who set bond, informed him of the nature of his charges, determined probable cause, and appointed defendant counsel.

Defendant’s right to counsel under Article I, Section 10 of the Ohio Constitution is broader than the right to counsel under the Sixth Amendment to the United States Constitution and defendant’s uncounseled waiver of the right to counsel under Article I, Section 10 of the Ohio Constitution at a state-initiated interrogation was invalid. [*See* CONCURRENCE: Because the state Constitution may provide more protections for the accused than the federal Constitution, litigants are encouraged to continue to develop arguments under the Ohio Constitution.] [*But see* DISSENT: Interrogation is valid where there was no infringement on defendant’s right to counsel under the Sixth Amendment to the United States Constitution; the right to counsel under Article I, Section 10 of the Ohio Constitution is comparable to the right to counsel under the Sixth Amendment, not broader; and no compelling reason exists for why Ohio constitutional law should differ from federal law in this area.]

JUDGMENT: AFFIRMED

JUDGES: OPINION by BOCK, J.; CROUSE, P.J., CONCURS SEPARATELY and WINKLER, J., DISSENTS.