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Cuyahoga County Prosecutor's Office to Argue Four Cases at Ohio Supreme Court This Week – Including Domestic Violence Evidence-Based Prosecution and Animal Cruelty

CLEVELAND - Cuyahoga County Prosecutor Michael C. O'Malley announced that the Cuyahoga County Prosecutor's Office will be arguing four cases in the Ohio Supreme Court this week – including *State v. Smith*, *State v. Kyles*, *State v. Miree* and *State v. Duncan*, and *State v. Riley*.

"Our Appeals Unit will be arguing four cases in the Ohio Supreme Court this week," said Prosecutor O'Malley. "The Ohio Supreme Court's decisions could set statewide precedents — specifically in *State v. Smith* aiding domestic violence victims with evidence-based prosecutions, and in *State v. Kyles* holding animal abusers accountable. I am proud of the great work of our Appeals Unit."

State v. Smith (Wednesday, July 24 – arguments begin at 9 a.m.)

In March 2020, a pregnant woman who had been beaten spoke in the ambulance to a police officer. The woman's statements — where she stated her fiancé had struck her repeatedly — were recorded by the body-worn camera that the Cleveland Division of Police (CDP) officer was wearing. The victim's injuries were also visible in the footage. The victim did not testify at trial and the body camera footage was used in the trial as evidence. Smith was convicted of domestic violence. The Eighth District Court of Appeals overturned the conviction stating that Smith's right to confront witnesses was violated. The Cuyahoga County Prosecutor's Office will argue that the victim's statements were admissible because they were part of an ongoing emergency.

State v. Kyles (Tuesday, July 23 – arguments begin at 9 a.m.)

In October 2021, CDP responded to a call regarding a kitten in an apartment building basement floor that was doused with bleach. Kyles was at the top of the stairs and admitted to pouring bleach on the kitten. The kitten was taken to a veterinarian who stated the kitten suffered chemically burned paws. Kyles was convicted of cruelty to companion animals and was sentenced to nine months in prison. The Eighth District Court of Appeals vacated the conviction stating the kitten was not "kept." The Cuyahoga County Prosecutor's Office will argue the law applies to every cat and dog regardless of where the animal is "kept."

State v. Miree & State v. Duncan (Tuesday, July 23 – arguments begin at 9 a.m.)

In June 2019, four teens went to meet with the victim to purchase drugs. The victim got inside the back seat of the car. Throughout the encounter, a gun was drawn and discharged. Afterward, the victim was pushed out of the car and killed. Miree and Duncan were convicted of murder. The Eighth District Court of Appeals affirmed the convictions. The Cuyahoga County Prosecutor's Office will argue that the Stand Your Ground law does not apply retroactively to this case.



State v. Riley (Wednesday, July 24 – arguments begin at 9 a.m.)

In 2016, Riley was convicted of murder. After his appeal regarding the murder conviction was unsuccessful, Riley applied for postconviction DNA testing. The trial judge denied the motion and Riley appealed. The Cuyahoga County Prosecutor's Office submitted a proposed "Findings of Fact and Conclusions of Law" brief to the trial judge stating why the DNA testing should be denied. The Cuyahoga County Prosecutor's Office will argue that the trial court was permitted to adopt the State's proposed findings.

You can watch the arguments live [here](#).