

No. 21-6818

In the Supreme Court of the United States

Arron Lawson,

Petitioner,

v.

OHIO,

Respondent.

*ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF OHIO*

BRIEF IN OPPOSITION

Brigham McKinley Anderson*

Lawrence County (Ohio) Prosecutor

Stephen E. Maher

Special Assistant Ashland County Prosecutor

Senior Assistant Ohio Attorney General

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QUESTION PRESENTED

1. Where the Ohio Supreme Court thoroughly reviewed and rejected the three alleged “indicia of incompetence,” in conjunction with defense counsel’s representation that a competency examination was not necessary, should Lawson’s mere disagreement with the Ohio Supreme Court’s highly factbound conclusion warrant a denial of certiorari?

LIST OF PARTIES

The Petitioner is Arron Lawson, an inmate at the Chillicothe Ohio Correctional Institution. Lawson is a capital prisoner, but has no currently scheduled execution.

The Respondent is the State of Ohio, represented by Lawrence County Prosecutor Brigham McKinley Anderson, and Stephen E. Maher, a Special Assistant Lawrence County Prosecutor from the Ohio Attorney General's Office.

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State v. Lawson,
2021-Ohio-3566 (2021).passim

COUNTERSTATEMENT

A. Lawson confessed to murder, later pleading guilty and pursuing his mitigation case before a three-judge panel.

Arron Lawson killed his cousin, her eight-year-old son, and two more by shotgun blasts. The cousin's husband survived a contemporaneous knife attack and notified authorities, who arrested Lawson following a day-long manhunt in the woods around the murder scene. By virtue of the evidence, including Lawson's video confession, Lawson acted alone. A three-judge panel sentenced Lawson to death. *State v. Lawson*, 2021-Ohio-3566 (2021).

After more than a year of pre-trial proceedings, and several days into the jury selection process, defense counsel informed the trial judge that Lawson intended to plead guilty to the indictment and pursue the mitigation case before a three-judge panel instead of a jury. Following a courtroom break where Lawson conferred privately with family members, defense counsel informed the trial judge that Lawson changed his mind and would continue with the trial by jury. The next morning, defense counsel informed the trial judge that Lawson again intended to plead guilty to the indictment and pursue the mitigation case before a three-judge panel instead of a jury. After a few days recess, the trial reconvened before a three-judge panel, who accepted Lawson's guilty plea following an extensive colloquy. *Id.*, at P33-P65.

REASONS FOR DENYING THE WRIT

I. WHERE LAWSON MERELY TAKES ISSUE WITH THE FINDING OF FACT THAT A COMPETENCY EXAMINATION WAS NOT REQUIRED, FURTHER REVIEW BY THIS COURT IS NOT WARRANTED.

Lawson's contention that the trial court misanalysed supposed "indicia of incompetence" was rejected by the Ohio Supreme Court. The Ohio Supreme Court said "Under all the circumstances here, the facts that Lawson cites as indicia of incompetence were insufficient to overcome the general presumption of competence and were insufficient to entitle him to a competency evaluation." *State v. Lawson*, 2021 Ohio 3566, P65.

The Ohio Supreme Court said that none of the three events referenced by Lawson showed "indicia of incompetence." As established by the extensive plea colloquy, Lawson's decision to plead guilty to the indictment and go with a three-judge panel for sentencing was competently made, even though his attorneys recommended a full jury trial and sentencing. This remained true even though the day before Lawson had expressed a desire for a full jury trial. Finally, even though Lawson was taking mood-stabilization medications, the extensive colloquy with the presiding judge showed no reason to question Lawson's competence. In addition, Lawson's lead defense counsel expressly stated he had "no reason to think" that Lawson was incompetent. *State v. Lawson*, 2021 Ohio 3566, P33 - P65.

What this means is that the petition before this Court merely takes issue with the propriety of state-court findings of fact, where there is no question that the state courts were applying the correct legal precedent.

Lawson's mere disagreement with the Ohio Supreme Court's highly factbound conclusion is an insufficient basis for granting certiorari. See *Cash v. Maxwell*, 565 U.S. 1138 (2012). ("Mere disagreement with the Ninth Circuit's highly factbound conclusion is, in my opinion, an insufficient basis for granting certiorari. See this Court's Rule 10.") (Sotomayor, J., concurring in the denial of a petition for certiorari.)

CONCLUSION

For the above reasons, the Court should deny Lawson's petition for writ of certiorari.

Respectfully submitted,

Brigham McKinley Anderson*

Lawrence County (Ohio) Prosecutor

/s/ Stephen E. Maher

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