

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

KYLE KRILL, PETITIONER,

v.

STATE OF OHIO, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
OHIO COURT OF APPEALS FOR THE EIGHTH JUDICIAL DISTRICT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Petitioner Kyle Krill (“Krill”) was sentenced to multiple prison terms based upon a finding by the trial judge—not the jury—that the multiple acts forming the basis for his convictions were not committed as part of the “same act or transaction.” Under state law, in the absence of this factual finding, only a single prison term would have been authorized.

After the court below affirmed, this Court held that “the Fifth and Sixth Amendments require a unanimous jury” to determine beyond a reasonable doubt whether “a defendant’s past offenses were committed on separate occasions” to authorize an increase in punishment under the Armed Career Criminal Act. *Erlinger v. United States*, 602 U.S. 821 (2024). The questions presented are:

When a factual finding that multiple counts arose out of “separate acts or transactions” is necessary to authorize an increase in punishment, must this finding be submitted to a jury and proven beyond a reasonable doubt?

Upon Krill’s timely Motion for Leave to File a Delayed Motion for Reconsideration pursuant to *Erlinger*, should the Ohio Court of Appeals for the Eighth Judicial District have reconsidered its pre-*Erlinger* opinion that a trial court may validly impose an otherwise unauthorized prison term on the basis of its own factual finding that multiple counts of an indictment arose out of separate acts or transactions?

Should this Court grant Krill’s petition, vacate the judgment below, and remand for further consideration in light of *Erlinger*?

PARTIES TO THE PROCEEDINGS

Petitioner is Kyle Krill, a citizen of the United States of America. Respondent is the State of Ohio.

DIRECTLY RELATED PROCEEDINGS

State v. Krill, No. 2025-0194, Supreme Court of Ohio. Judgment denying discretionary review entered April 29, 2025. Judgment denying timely request for rehearing entered July 8, 2025.

State v. Krill, No. CA-23-111613, Court of Appeals of Ohio for the Eighth Judicial District. Initial judgment entered April 13, 2023. Judgment denying Krill's first, pre-*Erlinger*, request for rehearing entered May 9, 2023. Judgment denying Krill's Motion for Leave to file a Delayed Motion for Reconsideration pursuant to *Erlinger* entered on December 23, 2024.

State v. Krill, No. 2023-0815, Supreme Court of Ohio. Judgment denying discretionary review of Court of Appeals' initial April 13, 2023, judgment, entered September 12, 2023.

State v. Krill, No. CR-21-665757-A, Court of Common Pleas for Cuyahoga County, Ohio. Judgment entered May 25, 2022.

State v. Krill, No. CR-21-665897-A, Court of Common Pleas for Cuyahoga County, Ohio. Judgment entered May 25, 2022.

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The Ohio Court of Appeals for the Eighth Judicial District issued its judgment denying Krill's Motion for Leave to file a Delayed Motion for Reconsideration pursuant to *Erlinger* in case No. CA-23-111613 on December 23, 2024. This judgment is unpublished. Pet. App. 1a.

The Supreme Court of Ohio did not issue a written decision in case No. 2025-0194. Over the dissent of Justice Patrick F. Fischer, the court issued a judgment denying discretionary review on April 29, 2025, and its announcement is published in a table. *State v. Krill*, 178 Ohio St.3d 1456, 2025-Ohio-1483, 257 N.E.3d 187. Subsequently, on July 8, 2025, it denied Krill's request for rehearing, the announcement of which is also published in a table. *State v. Krill*, 178 Ohio St.3d 1518, 2025-Ohio-2348, 262 N.E.3d 421.

The Ohio Court of Appeals for the Eighth Judicial District had previously affirmed Krill's convictions and sentence in an unpublished opinion in case No. CA-23-111613 on April 13, 2023. *State v. Krill*, 2023-Ohio-1216, 2023 WL 2926403. The Court of Appeals denied Krill's first, pre-*Erlinger*, request for rehearing in an unpublished order on May 9, 2023. Pet. App. 29a.

The Supreme Court of Ohio did not issue a written decision in case No. 2023-0815. Over the dissent of Justice Michael P. Donnelly, it issued a judgment denying discretionary review on September 12, 2023, and its announcement is published in a table. *State v. Krill*, 171 Ohio St.3d 1425, 2023-Ohio-3169, 216 N.E.3d 697.

The judgment entries and decisions of the Court of Common Pleas for Cuyahoga County, Ohio, were entered on May 25, 2022, and they are not published. Pet. App. 1a-2a.

STATEMENT OF JURISDICTION

This Court's jurisdiction is drawn from 28 U.S.C. §§ 1257(a) and 2106.

STATUTORY AND CONSTITUTIONAL AUTHORITY INVOLVED

The Fifth Amendment to the United States Constitution states:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment to the United States Constitution states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Ohio Revised Code § 2929.14(B)(1)(b) states, in relevant part:

[A] court shall not impose more than one prison term on an offender under division (B)(1)(a) of this section for felonies committed as part of the same act or transaction.

INTRODUCTION

Upon Krill's timely Motion for Leave to File a Delayed Motion for Reconsideration pursuant to *Erlinger*, the lower court should have reconsidered its pre-*Erlinger* opinion that a trial court may validly impose an otherwise unauthorized prison term based upon its own factual finding that multiple counts of an indictment arose out of separate acts or transactions. On that factual question, the Fifth and Sixth Amendments required a unanimous jury finding beyond a reasonable doubt.

As set forth in Ohio Revised Code § 2929.14(B)(1)(b), and subject only to inapplicable exceptions, “a court shall not impose more than one prison term on an offense under (B)(1)(a) of this section for felonies committed as part of the same act or transaction.” Here, the trial court sentenced Krill to separate, consecutive prison terms for firearm specifications imposed under Ohio Revised Code § 2929.14(B)(1)(a), each of which were attached to separate Weapons Under Disability counts. Under Ohio law, “when the trial court sentences a defendant for a firearm specification, it is not sentencing for a separate offense but instead is imposing additional punishment for the underlying offense.” *State v. Logan*, 2025-Ohio-1772, 2025 WL 1448717, ¶ 12.

Although Krill had never waived his right to trial by jury with respect to this ‘same act or transaction’ finding—an element necessary to authorize the imposition

of multiple prison terms for firearm specifications—the trial judge nonetheless made this factual finding at sentencing. Thus, on appeal, Krill invoked this Court’s opinion in *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000), and argued that the imposition of multiple 54-month prison terms for the firearm specifications violated his Sixth Amendment right to trial by jury.

In 2023, the lower court was persuaded by the State’s argument that the ‘same act or transaction’ finding necessary to impose multiple prison terms for firearm specifications was “not an element” but rather “merely a sentencing consideration.” *Appellee’s Br. Opp’n Appl. Recons.* at 4 n.1, *Krill*, No. 22-111613 (Ohio 8th Dist. May 2, 2023) [hereinafter *Recons. Opp’n*]. However accurate the merits of this argument may have appeared in 2023, *Erlinger* clarified that the lower court’s approval of this judicial fact-finding cannot be reconciled with the Fifth and Sixth Amendment requirement that a unanimous jury—not a judge—determine beyond a reasonable doubt all facts necessary to authorize additional punishment.

Thus, following *Erlinger*, Krill timely filed a Motion for Leave to file a Delayed Motion for Reconsideration pursuant to *Erlinger*. As a matter of Ohio law, his Motion for Leave to file his delayed motion for reconsideration necessitated substantive consideration of the federal constitutional grounds forming the basis for his Motion. And as a matter of federal constitutional law, following *Erlinger*, the need for reconsideration of the court of appeals’ original opinion is a foregone conclusion. Nonetheless, the court of appeals summarily denied Krill’s Motion for Leave without

explanation. The Ohio Supreme Court subsequently declined to review the Court of Appeals' judgment denying his Motion for Leave, over the dissent of Justice Fischer.

This Court should grant Krill's petition, vacate the judgment below, and remand for further proceedings in light of *Erlinger*. Without such relief, courts throughout Ohio may continue to permit such judicial fact-finding under the guise of allowing jurists to rely on 'sentencing considerations' that are truly facts belonging to the Fifth and Sixth Amendments' mandated fact-finders: a jury of one's peers.

STATEMENT OF THE CASE

I. Trial Court Proceedings

On December 7, 2021, Krill was charged in two separate indictments: a two-count indictment in case No. CR-21-665897 and a five-count indictment in case No. CR-21-665757. Relevant here, each indictment charged one count of Weapons Under Disability pursuant to Ohio Revised Code § 2923.13(A)(2) with 1-year, 18-month, 3-year, and 54-month firearm specifications pursuant to Ohio Revised Code §§ 2941.141(A), 2941.141(D), 2941.145(A), and 2941.145(D). The cases were joined for trial, and the matter proceeded to trial on April 20, 2022. Krill purportedly waived his right to trial by jury as to the Weapons Under Disability Counts and various specifications charged in the indictments, although he later challenged the validity of the waiver unsuccessfully on appeal.

Krill did not waive his jury trial right as to the 'same act or transaction' element at issue here. The indictments contained no allegation that the Weapons Under Disability counts were *not* committed as part of the same act or transaction.

Nor was this allegation addressed in the jury trial waiver form or in Krill's waiver colloquy with the trial court. Accordingly, the State has never argued that Krill waived his jury trial right as to the 'same act or transaction' element. Instead, the State has always maintained that the "same act or transaction" finding was "not an element . . . that had to be proven beyond a reasonable doubt" but "merely a sentencing consideration." *Recons. Opp'n* at 4 n.1.

The jury acquitted Krill of all five counts it was charged with adjudicating. The trial court found Krill guilty of the Weapons Under Disability counts and all accompanying specifications.

On May 25, 2022, the trial court imposed concurrent prison terms of nine months on the Weapons Under Disability counts. After making a factual finding that the Weapons Under Disability counts were not committed as part of the same act or transaction, the trial court imposed two 54-month prison terms on the firearm specifications attendant to each count, consecutive to each other and to the underlying nine-month prison term, for a total prison term of nine years and nine months. Pet. App. 1a-2a.

II. State Appellate Court Proceedings Before *Erlinger*

Krill timely appealed to the Ohio Court of Appeals for the Eighth Judicial District, raising four assignments of error. As relevant here, Assignments of Error I and II addressed the trial court's violation of Krill's Sixth Amendment right to trial by jury when it sentenced him to a prison term that could only be accomplished by judicial fact-finding. While Krill did not raise a Sixth Amendment objection at trial, on appeal, he asserted plain error and ineffective assistance of counsel as alternative bases for reversal. *See State v. Krill*, 2023-Ohio-1216, ¶ 8 (8th Dist.). His trial counsel subsequently resigned from the practice of law with disciplinary action pending. *See In re Resignation of Mariotti*, 2025-Ohio-2824, 2025 WL 2312643.

On April 13, 2023, the Court of Appeals overruled all Assignments of Error. *Krill*, 2023-Ohio-1216, ¶ 18, 24, 28-29. Notwithstanding the Sixth Amendment right to a jury trial, the Court of Appeals held that the trial court had authority to impose the nine-year aggregate prison term on the firearm specifications and did not engage in any serious plain error or ineffective assistance of counsel analysis. *See id.* ¶ 23, 27. As the Court of Appeals noted in its opinion, to justify its imposition of multiple prison terms, the trial court made a *factual finding* that the two Weapons Under Disability counts from which the specifications arose were “not committed as part of the same act or transaction.” *Id.* ¶ 21.

On April 24, 2023, Krill timely sought reconsideration of the Court of Appeals' initial judgment. In response to his application for reconsideration, the State of Ohio

acknowledged that Krill had never waived his right to jury trial on the ‘same act or transaction’ element, arguing:

Appellant seems to imply that the Trial Court was required to obtain a jury waiver as to this “same act or transaction” finding. To the contrary, **this is not an element** of the Having Weapons offenses at issue (nor the attached firearm specifications) that had to be proven beyond a reasonable doubt. **Rather, this is merely a sentencing consideration.** There is no language in the statute suggesting otherwise.

Recons. Opp’n at 4 n.1 (emphasis added). On May 9, 2023, the Court of Appeals denied Krill’s application for reconsideration.

On June 23, 2023, Krill sought timely review in the Supreme Court of Ohio of three propositions of law, including:

When a factual finding that multiple counts arose out of separate acts or transactions is necessary to authorize an increase in punishment, this finding must be submitted to a jury and proven beyond a reasonable doubt—it is not merely a “sentencing consideration.”

Mem. Supp. Jurisdiction at 7, *Krill*, No. 2023-0815 (Ohio June 23, 2023). On September 12, 2023, the Supreme Court of Ohio declined jurisdiction over the dissent of Justice Donnelly, who would have accepted the foregoing proposition of law.

III. State Appellate Court Proceedings After *Erlinger*

On June 21, 2024, this Court issued its opinion in *Erlinger*, holding that the “Fifth and Sixth Amendments require a unanimous jury” to determine whether “a defendant’s past offenses were committed on separate occasions.” *Erlinger*, 602 U.S. at 825.

On December 11, 2024, Krill filed a Motion for Leave to file a Delayed Motion for Reconsideration pursuant to *Erlinger*, which, as explained below, necessitated substantive consideration of the federal constitutional issue presented. Krill argued that the Court of Appeals’ assumption that the trial court had validly “found that the acts were not committed as part of the same act or transaction,” *see Krill*, 2023-Ohio-1216, ¶ 21, was no longer tenable. *Erlinger*, after all, squarely rejected the proposition that “a judge may decide that a defendant’s past offenses were committed on separate occasions under a preponderance-of-the-evidence standard” if such a finding would increase the maximum penalty for an offense. *Erlinger*, 602 U.S. at 825. After full briefing, the Court of Appeals summarily denied Krill’s Motion for Leave without explanation on December 23, 2024.

Krill next sought timely review of this ruling denying relief under *Erlinger* in the Supreme Court of Ohio on February 6, 2025. He again offered the following proposition of law:

When a factual finding that multiple counts arose out of separate acts or transactions is necessary to authorize an increase in punishment, this finding must be submitted to a jury and proven beyond a reasonable doubt—it is not merely a “sentencing consideration.”

Mem. Supp. Jurisdiction at 11, *Krill*, 2025-Ohio-1483 (No. 2025-0194). On April 29, 2025, the Supreme Court of Ohio declined jurisdiction over the dissent of Justice Fischer, who would have accepted jurisdiction over this proposition of law.

On May 9, 2025, Krill timely sought reconsideration of the Supreme Court of Ohio’s decision to decline jurisdiction. On July 8, 2025, the Supreme Court of Ohio

denied Krill's motion for reconsideration.

REASONS FOR GRANTING THE PETITION

I. The Court should grant, vacate, and remand in light of *Erlinger*.

A GVR is warranted because the Court of Appeals' opinion of April 13, 2023, cannot be reconciled with *Erlinger*. The Court of Appeals thus erred in its subsequent December 23, 2024, judgment denying Krill's timely Motion for Leave to file a Delayed Motion for Reconsideration pursuant to *Erlinger*.

A. *The lower court's initial opinion affirming the imposition of multiple prison sentences upon Krill on the basis of judicial fact-finding cannot be squared with Erlinger.*

Subject only to inapplicable exceptions, Ohio's firearm specification scheme prohibits the imposition of multiple prison terms for firearm specifications unless the specifications arise from felonies that are not "committed as part of the same act or transaction." Ohio Rev. Code § 2929.14(B)(1)(b). The court below found that a judge, not a jury, can determine whether this element has been established. *Erlinger* forcefully demonstrates that the lower court's finding was incorrect.

In *Erlinger*, the Court considered "whether a judge may decide that a defendant's past offenses were committed on separate occasions under a preponderance-of-the-evidence standard, or whether the Fifth and Sixth Amendments require a unanimous jury to make that determination beyond a

reasonable doubt.” *Erlinger*, 602 U.S. at 825. The Court concluded that “[t]he Fifth and Sixth Amendments require a unanimous jury to make that determination beyond a reasonable doubt.” *Id.* at 825

The Court’s discussion in *Erlinger* clarifies that determining whether multiple offenses were “committed on occasions different from one another” is a “fact-laden task” triggering the Sixth Amendment requirement of trial by jury. *Id.* at 834. As *Erlinger* recognizes, this principle applies even in the context of “seemingly straightforward factual questions” such as whether separate crimes occurred on the same or separate occasions:

Judges may not assume the jury’s factfinding function for themselves, let alone purport to perform it using a mere preponderance-of-the-evidence standard. To hold otherwise . . . would intrude on a power the Fifth and Sixth Amendments reserve to the American people.

Id. at 834-35, 849.

To paraphrase the Court in *Erlinger*, Mr. Krill’s case is as nearly on all fours with *Erlinger* as any we might imagine. There is no daylight between the question in *Erlinger*—“whether a judge may decide that a defendant’s past offenses were considered on separate occasions,” 602 U.S. at 825, and the question here: whether the trial judge had authority to decide “that the acts were not committed as part of the same act or transaction.” *See Krill*, 2023-Ohio-1216, ¶ 21. However “straightforward” this inquiry might or might not have been, Krill was nonetheless “entitled to have a jury resolve” this “inquiry unanimously and beyond a reasonable doubt.” *See Erlinger*, 602 U.S. at 835, 849.

In short, the factual finding that the Weapons Under Disability counts that Krill was convicted of were not committed as part of the same act or transaction was an essential element required for the imposition of multiple prison terms on the attached firearm specifications. Krill did not waive his right to trial by jury on this element. He was nonetheless sentenced to multiple prison terms on the firearm specifications based upon a fact found only by a judge. This outcome cannot be squared with *Erlinger*.

Any other issues relevant to the disposition of Krill’s appeal—such as harmlessness, plain error, and whether trial counsel performed deficiently under prevailing professional norms—are best addressed by the lower courts in the first instance upon remand. *See Erlinger*, 602 U.S. at 835 (“While recognizing Mr. Erlinger was entitled to have a jury resolve ACCA’s occasions inquiry unanimously and beyond a reasonable doubt, we decide no more than that.”); *Fields v. Colorado*, No. 24-5460, 2025 WL 299508 (Jan. 27, 2025) (vacating state court decision and remanding for further consideration in light of *Erlinger* notwithstanding Colorado’s suggestion of harmlessness); *Johnson v. Louisiana*, 140 S.Ct. 2715 (2020) (Alito, J., concurring in the decision to grant, vacate, and remand) (“I concur in the judgment on the understanding that the Court is not deciding or expressing a view on whether the question was properly raised below but is instead leaving that question to be decided on remand.”); *Gomez v. Tennessee*, 549 U.S. 1190 (2007) (vacating and remanding for further consideration in light of *Cunningham v. California*, 549 U.S. 270 (2007)—a Sixth Amendment case in the *Apprendi* line—although petitioners had failed to raise

a Sixth Amendment objection based on *Apprendi* in the trial court or Court of Criminal Appeals, and Tennessee Supreme Court had therefore reviewed such claims only for plain error); see *State v. Gomez*, 163 S.W.3d 632, 648-62 (Tenn. 2005).

B. *The lower court's subsequent judgment denying Krill's timely Motion for Leave to file a Delayed Motion for Reconsideration pursuant to Erlinger is erroneous as a matter of federal constitutional law.*

As a matter of Ohio law, the procedural question of whether the lower court should have granted Krill's Motion for Leave is intertwined with the substantive basis for the motion. As a matter of federal constitutional law, *Erlinger* warranted reconsideration of the lower court's initial erroneous judgment. The Court should grant, vacate, and remand because the Court of Appeals' summary denial answered the federal question in direct conflict with *Erlinger*.

No adequate and independent state grounds justified the denial of Krill's Motion for Leave to file a Delayed Motion for Reconsideration. Ordinarily, a motion for reconsideration of an Ohio appellate decision must be filed within ten days of the judgment. Ohio App. R. 26(A)(1)(a). However, this timeframe may be enlarged upon a "showing of extraordinary circumstances." Ohio App. R. 14(B).

In *State v. Moore*, 149 Ohio St.3d 557 (2016), the Supreme Court of Ohio ruled that the court of appeals abused its discretion in denying a request for delayed reconsideration based on an "on-point, substantive, retroactive United States

Supreme Court decision.” *Id.* at 583. This extended the practice of granting similar relief when Ohio’s high court issued a similar decision: “Ohio appellate courts routinely recognize that extraordinary circumstances exist when this court issues an opinion that is directly on point with the issue raised on appeal.” *Id.* at 585. (O’Connor, C.J., concurring) (collecting cases). While *Moore* contains some *dicta* regarding retroactivity, the plain language of Ohio Appellate Rule 14(B) includes no retroactivity requirement. Together, the *Moore* majority approvingly cited to seven separate Ohio Court of Appeals cases wherein delayed reconsideration was granted on the basis of intervening Ohio Supreme Court decisions. *Moore*, 149 Ohio St.3d at 581-82; *id.* at 584-85 (O’Connor, J., concurring). Not one of these seven cases involves any discussion of retroactivity.

A motion for leave to file a delayed motion for reconsideration such as Krill’s—which is premised upon on point, binding authority post-dating the initial judgment—therefore necessitates consideration of the asserted substantive basis for reconsideration. This means that the question of whether Krill’s motion for leave was procedurally proper is inextricably intertwined with the substantive question of whether *Erlinger* constitutes an intervening authority that is directly on point with the issues raised by Krill in his direct appeal. *See Moore*, 149 Ohio St.3d at 585 (O’Connor, C.J., concurring). And, to the extent that nuances in Ohio law might matter, this Court can GVR without weighing in on them as explained above, leaving it to Ohio courts to address them on remand.

Here, Krill’s motion for leave—filed fewer than six months after this Court released its opinion in *Erlinger*—was timely as a matter of state law. In *Moore*, the motion for delayed reconsideration at issue was filed on September 16, 2013—more than three years after this Court decided *Graham v. Florida*, 560 U.S. 48 (2010), and nearly fifteen months after the release of *Miller v. Alabama*, 567 U.S. 460 (2012), the decisions which formed the basis for the motion for delayed reconsideration at issue. *Moore*, 149 Ohio St.3d at 561-62. Other Ohio courts have similarly granted motions for leave filed substantially later than six months after issuance of the intervening authority forming the basis for the motion. *See State v. Ceden*, 192 Ohio.App.3d 738, 585-86 (1st Dist. 2011) (granting 2010 request for delayed reconsideration of 1998 opinion based upon line of cases beginning in 2004); *State v. Truitt*, 2011-Ohio-1885, ¶ 2-3 (1st Dist.) (granting 2010 request for delayed reconsideration of 2006 opinion based upon line of cases beginning in 2004); *see also Moore*, 149 Ohio St.3d at 581 (noting that “Ohio appellate courts have granted applications for delayed reconsideration well over a year after the issuance of the original decision” and collecting cases demonstrating that fact).

Notably, while the State argued below that *Erlinger* does not apply to Ohio’s firearm specification sentencing scheme, it has never argued that Krill’s motion for leave was untimely. And the Court of Appeals’ judgment order denying the motion for leave did not find it to be untimely. *See Glossip v. Oklahoma*, 604 U.S. 226, 244-46 (2025) (quoting *Michigan v. Long*, 463 U.S. 1032, 1041 (1983)) (when a state court addresses a mixed question of state procedural and federal constitutional law, this

Court reasonably presumes that the lower court relied on federal law in its decision when invocation of state procedural bar is not “clear from the face of the opinion”).

For the reasons set forth above in Section I(A), *Erlinger* constitutes intervening authority “that is directly on point” with the Sixth Amendment arguments raised by Krill in his direct appeal. *See Moore*, 149 Ohio St.3d at 585 (O’Connor, C.J., concurring). Absent any state procedural bar—and there was none—the Court of Appeals should have granted his Motion for Leave to File a Delayed Motion for Reconsideration.

CONCLUSION

This Court should grant the petition, vacate the decision below, and remand for further review in light of *Erlinger*.

Respectfully submitted,

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