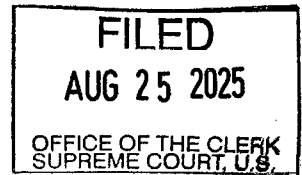


25-7621

SUPREME COURT OF THE UNITED STATES

October Term, 2025



RANDY KENNETH DEAN,
Petitioner,

V.

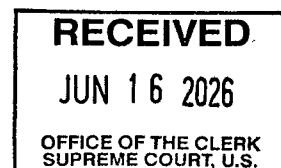
STATE OF OHIO,
Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of Ohio

PETITION FOR A WRIT OF CERTIORARI

Randy Kenneth Dean, Pro Se
12603 Youngstown Pittsburgh Rd.
Petersburg, Ohio 44454

Petitioner, Pro Se



QUESTIONS PRESENTED

1. Whether a state court violates the Fourteenth Amendment's Due Process Clause by excluding defense evidence that directly undermines the prosecution and supports the defense theory — here, a voicemail from the victims' realtor stating the buyers did not wish to press charges and that the Sheriff initiated prosecution.
2. Whether Petitioner's burglary conviction was supported by constitutionally sufficient evidence under *Jackson v. Virginia*, 443 U.S. 307 (1979), where the evidence failed to prove beyond a reasonable doubt that he trespassed by force or that the victims were "likely to be present," and where he promptly returned the disputed property believing he retained lawful access to the residence.

LIST OF PARTIES

Petitioner:

Randy Kenneth Dean

Defendant-Appellant below.

Respondent:

State of Ohio

Plaintiff-Appellee below.

CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual and not a corporate entity. No corporate disclosure statement is required.

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TABLE OF AUTHORITIES

Cases

Chambers v. Mississippi, 410 U.S. 284 (1973)

Jackson v. Virginia, 443 U.S. 307 (1979)

Washington v. Texas, 388 U.S. 14 (1967)

State v. Kilby, 50 Ohio St.2d 21 (1977)

State v. Dean, 2025-Ohio-342

Constitutional Provisions

U.S. Const. amend. XIV

Statutes

28 U.S.C. § 1257(a)

Ohio Rev. Code § 2911.12

OPINIONS BELOW

The opinion of the Ohio Court of Appeals, Eleventh Appellate District, affirming Petitioner's conviction is reported as State v. Dean, 2025-Ohio-342. A copy of that opinion appears in Appendix A.

The Supreme Court of Ohio denied jurisdiction on May 27, 2025. A copy of the entry appears in Appendix B.

JURISDICTION

The judgment of the Supreme Court of Ohio was entered on May 27, 2025.

This Court has jurisdiction under 28 U.S.C. § 1257(a).

This Petition is timely filed pursuant to Rule 13 of the Rules of the Supreme Court of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment XIV:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law."

Ohio Revised Code § 2911.12 – Burglary.

STATEMENT OF THE CASE

Petitioner, Randy Kenneth Dean, was convicted of burglary in the Portage County Court of Common Pleas after entering a residence he had recently sold and removing a washer and dryer.

The buyers testified that the appliances were included with the property sale. Petitioner admitted removing the appliances but testified that he believed he retained lawful access to the home and that he promptly returned the appliances once he realized they were included in the sale agreement.

At trial, Petitioner sought to introduce a voicemail from the buyers' realtor stating:

"From my knowledge, the buyers didn't want to press charges. It was actually the Sheriff's office that decided to move ahead because they've had past issues with Randy and said this was the last straw."

The trial court excluded the voicemail as hearsay.

The jury convicted Petitioner of burglary, and the court imposed probation.

On appeal, Petitioner argued:

1. The exclusion of the voicemail violated his constitutional right to present a complete defense;
2. The conviction was unsupported by constitutionally sufficient evidence because:
 - (a) Petitioner believed he retained lawful access to the residence;

(b) The residence was unoccupied and the buyers were not likely to be present;

(c) Petitioner returned the appliances after learning they were included in the sale.

The Ohio Court of Appeals affirmed the conviction.

The Supreme Court of Ohio declined jurisdiction.

REASONS FOR GRANTING THE PETITION

I. The Exclusion of the Voicemail Violated Petitioner's Constitutional Right to Present a Complete Defense.

The excluded voicemail directly supported Petitioner's defense theory that the dispute was civil in nature and that prosecution was initiated independently by law enforcement rather than by the alleged victims.

This Court has repeatedly held that criminal defendants possess a constitutional right to present a complete defense. *Chambers v. Mississippi*, 410 U.S. 284 (1973); *Washington v. Texas*, 388 U.S. 14 (1967).

In *Chambers*, this Court condemned rigid application of evidentiary rules that excluded reliable and materially exculpatory evidence.

The voicemail here was highly probative because it directly related to intent, credibility, and the underlying character of the dispute.

By excluding the evidence, the trial court prevented the jury from considering evidence favorable to the defense, thereby violating Petitioner's Fourteenth Amendment right to due process.

II. The Conviction Was Constitutionally Insufficient Under Jackson v. Virginia.

Under Jackson v. Virginia, 443 U.S. 307 (1979), a conviction violates due process where no rational trier of fact could find the essential elements of the offense beyond a reasonable doubt.

The evidence failed to establish the essential elements of burglary.

First, the evidence did not establish trespass by force, stealth, or deception. Petitioner openly entered the residence believing he retained lawful access following the property transaction.

Second, the evidence did not establish that any person was likely to be present. The buyers had not moved into the residence, and the property was vacant at the relevant time.

Under State v. Kilby, 50 Ohio St.2d 21 (1977), speculation is insufficient to satisfy the "likely to be present" element.

No rational trier of fact could have found every essential element beyond a reasonable doubt.

III. This Case Raises Important Constitutional Questions Warranting Review.

This case presents recurring constitutional issues concerning:

1. The exclusion of materially exculpatory defense evidence through rigid application of hearsay rules;
2. The constitutional sufficiency of evidence necessary to support criminal convictions.

These issues affect criminal defendants nationwide and directly implicate the protections guaranteed by the Fourteenth Amendment.

Review by this Court is necessary to reaffirm the constitutional principles established in Chambers and Jackson.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Certiorari.

Respectfully submitted,

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Date: 6-5-2026

APPENDIX A

Opinion of the Ohio Court of Appeals

Eleventh Appellate District

State v. Dean, 2025-Ohio-342

Decided: February 3, 2025