

Cite as 19 Ohio St. J. Crim. L. _____.

The *Ohio State Journal of Criminal Law* is published two times annually by The Michael E. Moritz College of Law at The Ohio State University, Columbus, Ohio 43210. ISSN 1546-7619. Postage prepaid. POSTMASTER: Send address changes to the *Ohio State Journal of Criminal Law*, Moritz College of Law, 55 West 12th Avenue, Columbus, Ohio 43210.

Yearly subscription rates: United States Individual Rate, \$40.00; Foreign, \$50.00; Libraries \$75.00. Single copy subscription rates: United States Individual Rate, \$20.00; Foreign, \$25.00; Libraries, \$40.00. Subscriptions are renewed automatically unless a request for discontinuance is received. To subscribe or obtain further information, please contact the *Ohio State of Journal Criminal Law* at (614) 688-3781, visit our website at <http://moritzlaw.osu.edu/osjcl>, or send an e-mail to crimlaw@osu.edu.

Back issues may be ordered directly from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209-1987. Orders may also be placed by calling Hein at (800) 828-7571, via fax at (716) 883-8100, or email to order@wshein.com. Back issues can also be found in electronic format for all your research needs on HeinOnline at <http://heinonline.org>.

The *Ohio State Journal of Criminal Law* welcomes the submission of manuscripts for the Commentary and Review sections of the Journal. The preferred length of manuscripts is 5000 words or less (including footnotes). Longer manuscripts will be considered as space permits. Pieces should be submitted by e-mail to crimlaw@osu.edu, prepared using Microsoft Word.

Views expressed are those of the authors and do not necessarily reflect the views of the *Ohio State Journal of Criminal Law* or its officers, directors, editors, members, or staff; The Moritz College of Law; of The Ohio State University. Unless otherwise indicated, all editors are faculty or students at The Michael E. Mortiz College of Law at The Ohio State University.

Copyright © 2021 by the *Ohio State Journal Criminal Law*

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW

OFFICERS OF ADMINISTRATION

Kristina M. Johnson, PhD, *President of the University*
Melissa L. Gilliam, MD., MPH, *Executive Vice President and Provost of the University*
Lincoln L. Davies, B.S., J.D., *Dean of the College and Frank R. Strong Chair in Law*
Cinnamon P. Carlame, B.A., B.C.L., M.S., J.D., *Assoc. Dean for Faculty & Intellectual Life and Alumni Society Designated Professor of Law*
Kathy S. Northern, B.A., J.D., *Assoc. Dean for Diversity & Inclusion and Robert M. Duncan/Jones Day Designated Assoc. Prof. of Law*
Anne E. Ralph, B.A., J.D., *Associate Dean for Academic Affairs and Clinical Professor of Law*
Paul Rose, B.A., J.D., *Associate Dean for Strategic Initiatives and Robert J. Watkins/Procter & Gamble Professor of Law*
Executive Director, Law, Finance & Governance @ Ohio State
Tra Pham, PhD, *Assist. Dean for International and Graduate Affairs and Adjunct Prof.*
Sara A. Sampson, B.S., M.S., J.D., *Assist. Dean for Information Services, Director of Law Library and Senior Lecturer*
Darren Nealy, B.A., J.D., *Assist. Dean for Academic Affairs and Adjunct Prof.*
Michael States, B.A., J.D., *Assist. Dean for Admissions and Financial Aid*

FACULTY EMERITI

Mary Beth Beazley, B.A., J.D.
Michael Braunstein, B.A., J.D.
Sanford N. Caust-Ellenbogen, M.C.R.P., J.D.
Martha Chamallas, B.A., J.D.
Albert L. Clovis, B.A., M.A., LL.B.
Sharon L. Davies, B.A., J.D.
Ellen E. Deason, B.A., M.S., J.D.
Joshua Dressler, B.A., J.D.
Gordon E. Gee, B.A., Ed.D., J.D.
David A. Goldberg, B.A., J.D.
Lawrence R. Herman, A.B., LL.B.
Louis A. Jacobs, A.B., J.D., LL.M.
Bruce S. Johnson, B.A., J.D., M.L.S.
Michael Kindred, B.A., J.D., M.C.L., D.E.S.
Joan M. Krauskopf, A.B., J.D.
Deborah Jones Merritt, A.B., J.D.
John B. Quigley, A.B., M.A., LL.B.
Rhonda R. Rivera, B.A., M.P.A., J.D.
Nancy H. Rogers, B.A., J.D.
Michael D. Rose, B.A., J.D., LL.M.
Allan J. Samansky, B.A., M.A., J.D.
Peter M. Shane, A.B., J.D.
Joseph B. Stulberg, B.A., J.D., M.A., Ph.D.
Gregory M. Travaglio, B.A., J.D., LL.M.
Vincene F. Verdun, B.A., J.D.
Douglas J. Whaley, B.A., J.D.
Charles E. Wilson, B.S., J.D.

FACULTY

Amna Akbar, B.A., J.D., *Prof. of Law*
Laura A. Barrera, B.A., J.D., *Visiting Assistant Clinical Professor of Law*
Douglas A. Berman, A.B., J.D., *Newton D. Baker-Baker and Hostetler Chair in Law*
Micah Berman, B.A., J.D., *Assoc. Prof. of Public Health and Law*
Gregory A. Caldeira, B.A. A.M., Ph.D., *Distinguished Univ. Prof. Ann and Darrell Dreher Chair in Pol. Comm. and Policy Thinking and Prof. of Law*
Bryan H. Choi, A.B., J.D., *Assoc. Prof. of Law and Computer Science and Engineering*
Daniel C.K. Chow, B.A., J.D., *Frank E. & Virginia H. Bazler Chair in Business Law*
Sarah Rudolph Cole, B.A., J.D., *Michael E. Moritz Chair in Alternative Dispute Resolution*
Ruth Colker, A.B., J.D., *Distinguished Univ. Prof. and Heck Faust Memorial Chair in Constitutional Law*
Ohwyn Conway, B.A., J.D., *Assoc. Clinical Prof. of Law*
Elizabeth Ilgen Cooke, B.A., J.D., *Clinical Prof. of Law*
Terri L. Enns, B.A., J.D., *Clinical Prof. of Law, Senior Fellow of Election Law at Ohio State*
Katherine Hunt Federle, B.A., J.D., LL.M., *Joseph S. Platt-Porter Wright Morris & Arthur Prof. of Law and Director of the Center for Interdisciplinary Law and Policy Studies*
Edward B. Foley, B.A., J.D., *Charles W. Ebersold & Florence Whitcomb Ebersold Chair in Constitutional Law and Director of Election Law at Ohio State*
William Froehlich, B.A., J.D., *Langdon Fellow in Dispute Resolution*
César Cuauhtémoc García Hernández, A.B., J.D., *Gregory Williams Chair in Civil Rights & Civil Liberties*
Larry T. Garvin, B.A., B.S., M.S., J.D., *Lawrence D. Stanley Prof. of Law*
Ari Glogower, B.A., J.D., LL.M., *Assoc. Prof. of Law*
Arthur F. Greenbaum, B.A., J.D., *James W. Shocknessy Prof. of Law*
L. Camille Hébert, B.A., J.D., *Carter C. Kissell Prof. of Law*
Mohamed S. Helal, B.A., M.A., LL.B., LL.M., S.J.D., *Assoc. Prof. of Law*
Sean Hill, J.D., A.B., *Assist. Prof. of Law*
Dennis D. Hirsch, B.A., J.D., *Prof. of Law and Director of Prog. on Data and Governance*
Steven F. Huefner, A.B., J.D., *C. William O'Neill Professor in Law and Judicial Administration and Director of Clinical Programs*
Creola Johnson, B.S., J.D., *President's Club Prof. of Law*
Kimberly Jordan, B.S., J.D., *Clinical Prof. of Law and Director of Justice for Children Project*
Katherine S. Kelly, B.A., M.A., J.D., *Clinical Prof. of Law and Director of Academic Support Prog.*
Margaret B. Kwoka, A.B., J.D., *Lawrence Herman Professor in Law*
Katrina J. Lee, B.A., J.D., *Clinical Prof. of Law and Director of Prog. on Dispute Resolution*
Alan C. Michaels, A.B., J.D., *Dean Emeritus and Edwin M. Cooperman Chair in Law*
Dale A. Oesterle, B.A., M.P.P., J.D., *J. Gilbert Reese Chair in Contract Law*
Efthimos Parasidis, B.A., MBE, J.D., *Prof. of Law and Public Health*
Patrick Perkins, B.A., J.D., *Jeff & Cynthia Harris Fellow*
Courtlyn Roser-Jones, B.A., J.D., LL.M., *Assist. Prof. of Law*
Guy A. Rub, B.A., LL.B., M.A., LL.M., S.J.D., *Prof. of Law*
Dakota Rudesill, B.A., J.D., *Assoc. Prof. of Law*
Amy Schmitz, B.A., J.D., *John Deaver Drinko-Baker & Hostetler Chair in Law*
Colleen Garrity Settineri, B.S., B.A., J.D., *Assist. Clinical Prof. of Law*
Sara Brady Stiff, B.A., Ph.D., *Visiting Assistant Professor*
Ric Simmons, B.A., M.A., J.D., *Chief Justice Thomas J. Moyer Prof. for the Administration of Justice and the Rule of Law*
Monte Smith, B.A., J.D., *Assistant Clinical Professor of Law*
Marc S. Spindelmann, B.A., J.D., *Isadore & Ida Topper Prof. of Law*
Todd A. Starke, B.A., M.B.A., J.D., *Clinical Prof. of Law*
David Stebbins, B.A., M.A., J.D., *Prof. of History and Law*
Christopher J. Walker, B.A., M.P.P., J.D., *John W. Bricker Professor of Law and Director of Washington D.C. Summer Prog.*
Paige L. Wilson, B.A., J.D., *Assist. Clinical Prof. of Law*
Rebecca Wolitz, B.A., J.D., *Assist. Professor of Law*
Patricia J. Zettler, B.A., J.D., *Assoc. Prof. of Law*
Michael Zuckerman, A.B., J.D., *Visiting Assistant Professor of Law*

ADJUNCT FACULTY

Claudia Andre
Zaki Anwar
Elizabeth L. Anstaett
David T. Ball
Nikki Baszynski
Allison Binkley
Matthew Birkhold
Amy Bitner
Rachel Bloomekatz
Ben Bodamer
Joseph Bockman
Joseph M. Caliguri
Sophia Chang
Kwame Christian
Erica L. Cook
Daniel Conway
Matt Cooper
Lorenzo Corte
Dave DeVillers
Marjorie Duffy
Jonathan E. Coughlan
Marjorie Duffy
Scott E. Failor
Laura Fernandez-Alvarez
Christopher Galanos
Gates Garrity-Rokous
Henrique Geigel
Franz Geiger
Chris Galanos
Chris Glaros
David W. Grauer
Christopher Hagale
Christopher Hammond
Michael Hendershot
Robb Hem
Hon. John E. Hoffman Jr.
Barton Hubbard
John Rockenbach
Caryn Kaufman
Marya C. Kolman
Michael Kolsen
Jonathan Leiken
George Limbert
Erma MacGuidwin
Susan Malloy
Hon. Algenon L. Marbley
Patrick McCarthy
Richard M. Mescher
Anne Miles
Caitlin Miller
Robert J. Miller
John Mills
Marina Mone
Martha Motley
Norman Nadorff
Caroline O'Connell
Matt Palmer
Kinal Patel
Frank Ray
Matthew Richardson
Robert Moormann
Robert Ward
Blake Rohrbacher
Dan Sabol
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer L. Sargus
Jim Saywell
Donald Scheetz
Edward M. Segelken
Amy Sellars
Andrea Shemberg
Scott V. Simpson
Carl Smallwood
Lindsay Karas Stencel
Bob Stinson
Hon. Jeffrey S. Sutton
James Thomas
Jessica Tobias
Hon. Chelsey M. Vascura
Jonathon Vinocur
Bradley Walent
Hon. Michael H. Watson
Robert Weiter
Terrence Wheeler
Megan Whited
Hannah Wilson
Mary Beth Young
Stephanie Ziegler



Ohio State Journal of Criminal Law
2021-2022

Faculty Managing Editors

Amna Akbar
Douglas A. Berman
Alan C. Michaels
Ric Simmons

Editor-in-Chief

Alyssa Shea Daley

Chief-of-Staff

Sarah Roveda

Executive Editor

Anna Bulkowski

Chief Managing Editor

Daniel Chasse

Publishing Editors

Joseph Blythe
Jacob Carruthers

Managing Editors

Abby Engelhart
Hayley Hammerstrom
Kevin Kolar
Dustin Koslen
Sean Murphy
Andrew Rebholz
Liam Sidebottom

Production Editors

Leah Finley
Isabelle Karamuco

Events Editor

Liddy Potts

Article Editors

Rachel Dornoff
Jason Ketchum

Senior Associate Editors

Trey Catanzaro
Jaclyn Serpico
Ellen Terry Zahn
Nolan Wiley

Associate Editors

Addie Becker
Ashlee Buxton
Elizabeth Califf
Bridget Dickens
Darby Dooley

Cecilia Hardy
Nell Kennedy
Meara Maccabee
Bailey Markowski
Nicole Martin

Courtney McGowan
Jenna Pletcher
Juliana Ruta
Brianna Sweeney
Sora Yu