

TRUMBULL COUNTY PROSECUTOR'S OFFICE

Dennis Watkins, Prosecutor
Repeat Violent Offenders newsletter

UPDATE, OCT. 23, 2023

11th District Court upholds conviction of Liberty Township man



The 11th District Court of Appeals upheld the opinion of a Trumbull County Common Pleas judge who denied the petition for post-conviction relief from a Liberty Township man convicted in a 2021 trial.

Appellate Judge Eugene A. Lucci, joined by fellow judges Matt Lynch and Robert J. Patton, upheld the conviction and indefinite prison sentence of Daryl L. Casey Jr.

Casey, 29, left, was sentenced to a seven- to nine-year prison term, including a three-year gun specification, after a Trumbull County jury convicted him in the spring of 2021 of a charge of discharge of a firearm into a habitation. The trial was held in Judge Ronald J. Rice's courtroom, and assistant Prosecutor Michael Burnett handled the case for the state.

The Liberty man was accused of shooting his neighbor Kavin Moore in the leg at a Hadley Avenue apartment complex in Liberty during the summer of 2020. However the jury deadlocked on the felonious assault charge.

On Nov. 7, 2022, Casey's attorney filed a petition for post-conviction relief in Rice's court. The judge dismissed the petition without a hearing, saying the charges of ineffective counsel at trial were meritless and unsubstantiated.

Casey's appellate attorney Rhys B. Cartwright-Jones argued in appeal that the trial counsel was ineffective because it failed to offer evidence of Casey's purported diagnosis of PTSD in mitigation.

In his decision, Lucci writes that the three appellate judges find no error in the trial court's decision, stating "appellant's petition does not include any evidence, let alone medical or psychological proof dehors the record of an independent PTSD diagnosis."

Also Casey's attorney brought up that the apartment -- in which Casey's shots went into -- may not have been occupied, thus trial counsel was ineffective in not arguing that point. The appellate judges, however, could not find basis for such an argument.

Casey will remain incarcerated at Marion Correctional Institution, with an expected release date of March 2028.

Representing the state in the appeal was Assistant Prosecutor Ryan J. Sanders.

For more information, contact Guy M. Vogrin, public information officer/investigator, for the Trumbull County Prosecutor's Office at 330-675-2485.