Appellate Court Decisions - Week of 1/18/21

Note: This is not a comprehensive list of every case released this week.

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Buggs*, 2021-Ohio-39**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2021/2021-Ohio-39.pdf

Appellant's guilty plea was not knowing, intelligent, or voluntary where he received incorrect information from the trial court that his guilty plea would preserve his right to appeal his speedy trial issue; "and but for that information, he would not have pleaded guilty."

Fifth Appellate District of Ohio

***State v. Bellamy*, 2021-Ohio-40**

Crim.R. 16(K); expert opinion

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2021/2021-Ohio-40.pdf

Trial court erred in allowing expert to testify despite the fact that state failed to timely provide defense counsel with expert's report under Crim.R. 16(K), and state failed to show good cause for such failure. *See State v. Boaston*, 160 Ohio St.3d 46, 2020-Ohio-1061, 153 N.E.3d 44. Error was not harmless as the state's case depended entirely on the credibility of the alleged victim and her forensic interview; "[t]here was no forensic evidence, and no testimony from anyone

who may have seen or heard anything of the events alleged to have taken place 10 years before N.S. disclosed. There was no testimony from any doctor or nurse from the CAC who may have examined N.S. following her interview, and [appellant] made no incriminating statements."

Sixth Appellate District of Ohio

***State v. Massucci*, 2021-Ohio-88**

Ineffective assistance of counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-88.pdf

In conviction of aggravated vehicular homicide, trial counsel was ineffective for allowing appellant's privileged medical records of a visit to a hospital nine days before the accident to be disclosed in violation of R.C. 2317.02(B)(1); but for this ineffectiveness which led to the unlimited admission of these records, including appellant's statement of previous drug use, there was a reasonable probability the outcome of the trial would have been different.

***State v. Baldwin*, 2021-Ohio-84**

Application to reopen appeal; admission of evidence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-84.pdf

Appellant's application to reopen his appeal pursuant to App.R.26(B) is granted; trial court erred in admitting the alleged threats made by appellant's brother where "there [was] no indication that [appellant] was involved in the threats that his brother made against Griffin or that there was some other legitimate purpose for offering evidence of those threats. The evidence was, therefore, not admissible under Evid.R. 402. Moreover, the probative value of this evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury under Evid.R. 403(A)." And as the error was not harmless, case was remanded for a new trial.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

***State v. Mills*, 2021-Ohio-52**

Application to reopen appeal; sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-52.pdf

Appellant's application to reopen his appeal pursuant to App.R.26(B)(7) is granted in part where appellate counsel was ineffective for not assigning as error the improper imposition of post-release control by the trial court; case remanded for proper imposition of post-release control.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

***United State v. Cousins*, No. 19-3265**

Joinder

http://www.opn.ca6.uscourts.gov/opinions.pdf/21a0038n-06.pdf

Trial court erred by prejudicially misjoining appellant's sole count of unlawful possession of a firearm with the drug and gun charges against his codefendants; conviction vacated and remanded for new trial.

Supreme Court of the United States

Nothing to report.