Appellate Court Decisions - Week of 1/20/20

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

Nothing to report.

Fifth Appellate District of Ohio

***State v. Imler*, 2020-Ohio-159**

Sentencing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-159.pdf

"[T]rial court erred in imposing a community-control sanction on one or more felony counts to be served consecutively to a term of imprisonment imposed upon one or more felony counts." Following *State v. Hitchcock*, 157 Ohio St.3d 215, 2019-Ohio-3246.

Sixth Appellate District of Ohio

***State v. Farris*, 2020-Ohio-134**

Competency

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-134.pdf

After ordering a competency evaluation at appellant's request, the trial court erred by failing to subsequently conduct a compulsory hearing under R.C. 2945.37.

***State v. Reed*, 2020-Ohio-138**

Sufficiency of evidence

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-138.pdf

Convictions of trafficking in a counterfeit controlled substance were not supported by sufficient evidence where no evidence was presented that appellant knew that the substances sold were counterfeit.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***In re M.F.*, 2020-Ohio-109**

Juvenile confinement credit

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-109.pdf

In computing confinement credit for time appellant spent in Carrington Youth Academy ("CYA"), the trial court erred in applying the definition of a secure facility found in R.C. 2950.01 which pertains to juvenile sex offender registration and notification, rather than the correct standard contained in R.C. 2152.18(B) which governs a juvenile's credit for confinement. Case remanded for juvenile court "to make findings concerning the nature of CYA's security procedures and the staff members' control regarding appellant's personal liberties."

***State v. Philpot*, 2020-Ohio-104**

Consecutive sentences and jail-time credit

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-104.pdf

Imposition of consecutive sentences was contrary to law "where one trial judge attempts to memorialize certain findings made by another trial judge, who was not assigned to the case, in a sentencing journal entry." Also, trial court committed plain error when it failed to include the appropriate amount of jail-time credit in the sentencing entry.

***State v. Baker*, 2020-Ohio-107**

Plea; consecutive and allied sentences

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-107.pdf

Guilty plea to rape was not made knowingly, intelligently, and voluntarily where trial court's completely failed to comply with Crim.R. (11)(2)(a) by not notifying appellant that "his guilty plea would subject him to registration requirements, community notification requirements and residency restrictions as a Tier III sex offender." Because of this complete failure, prejudice need not be shown. Trial court also failed to make proper consecutive sentence findings, and failed to merge felonious assault count with second kidnapping count in accordance with plea agreement.

Ninth Appellate District of Ohio

Nothing to report.

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

Nothing to report.

Supreme Court of the United States

Nothing to report.