# Appellate Court Decisions - Week of 1/25/21

*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. Hughes*, 2021-Ohio-111**

***Alford* plea**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2021/2021-Ohio-111.pdf**

**Trial court erred when it "failed to adequately determine that there was a factual basis for [appellant's] *Alford* plea. The intelligence and voluntariness of an *Alford* plea must be established by evidence in the record supporting guilt. Because of the complete absence of the basic facts surrounding the charge, the trial court could not evaluate the intelligence and voluntariness of [appellant's] decision to plead guilty notwithstanding his insistence of innocence." Case remanded.**

## Fifth Appellate District of Ohio

***Nothing to report.***

## Sixth Appellate District of Ohio

***State v. Halka*, 2021-Ohio-149**

***Sufficiency; engaging in pattern of corrupt activity***

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-149.pdf**

**State failed to present sufficient evidence that appellant was associated with any other person or organization that had a relationship with appellant in his drug business so as to support his conviction for engaging in a pattern of corrupt activity; that one conviction was vacated. Total aggregate sentence reduced from 33 years to 22 years.**

## Seventh Appellate District of Ohio

***Nothing to report.***

## Eighth Appellate District of Ohio

***Nothing to report.***

## Ninth Appellate District of Ohio

***State v. Board*, 2021-Ohio-92**

**Restitution**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-92.pdf**

**In conviction for failing to stop after accident and DUS, trial court erred in awarding $27,883.93 under the general restitution statutes where "the trial court was limited by the restitution caps ($5,000) set forth in the failing to stop and driving under suspension statutes. *See* R.C. 4549.02(B)(4) and 4510.11(G)." Case remanded for trial court to "consider the applicability and intersection of R.C. 4549.02(B)(4), 4510.11(G), 2929.18(A)(1), and 2929.28(A)(1) in the first instance. . . ."**

***State v. Abouelhana*, 2021-Ohio-91**

**New trial**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-91.pdf**

**Trial court erred in denying appellant's motion for a new trial; appellant was denied a fair trial because the trial court failed to appoint an Arabic interpreter or to "make a sufficient open-ended inquiry to even assess whether an interpreter was needed," despite the fact that neither appellant nor his counsel requested an interpreter at any time before the motion for a new trial was filed.**

## Tenth Appellate District of Ohio

***Nothing to report.***

## Eleventh Appellate District of Ohio

***State v. Sauceman*, 2021-Ohio-172**

**Plea**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2021/2021-Ohio-172.pdf**

**In conviction of OVI following plea, appellant's guilty plea was not knowingly, intelligently, and voluntarily made; the trial court failed to advise her that a guilty plea was a complete admission of her guilt, as required by Traf.R. 10(D).**

## Twelfth Appellate District of Ohio

***State v. Day*, 2021-Ohio-164**

**Consecutive sentences**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2021/2021-Ohio-164.pdf**

**Trial court erred in imposing consecutive sentences without engaging in the three-step process and without making the requisite findings at the sentencing hearing in accordance with R.C. 2929.14(C)(4).**

## Supreme Court of Ohio

***Nothing to report.***

## Sixth Circuit Court of Appeals

***Nothing to report.***

## Supreme Court of the United States

***Nothing to report.***