Appellate Court Decisions - Week of 1/27/20

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

First Appellate District of Ohio

***State v. Jones*, C-170647**

Insufficient evidence – aggravated murder; cumulative error

Full Decision: (No web cite as of yet).

Although "there was sufficient evidence that [appellant] had the purpose to kill," there was not sufficient evidence of prior calculation and design; "there [was] simply no evidence that [appellant] planned [the victim's] murder before he arrived at Prather's residence, i.e., that he engaged in a studied consideration of the method, means, or location of the killing." Aggravated murder conviction reversed and appellant discharged from further prosecution on that charge. And because the trial court committed cumulative errors, murder convictions are reversed and case remanded for a new trial. Those errors include: admitting prejudicial and irrelevant photographs of guns and ammunition found in appellant's bedroom; and excluding certain "state-of-mind" evidence which violated his right to present a complete defense.

Second Appellate District of Ohio

***State v. Maston*, 2020-Ohio-209**

Fine

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/2/2020/2020-Ohio-209.pdf

Trial court erred in sentencing appellant to pay a fine without first considering his present and future ability to pay; sentencing entry was also incorrect because it stated the appellant pled guilty when, in fact, he was found guilty after a bench trial.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

***State v. Price*, 2020-Ohio-220**

Right of allocution

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-220.pdf

Trial court erred in sentencing appellant without allowing him to speak, thereby denying his right to allocution, *see* Crim.R. 32(A)(1); case remanded for resentencing.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. S.J.*, 2020-Ohio-183**

Record sealing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-183.pdf

In third application for expungement, where previous two applications were denied, trial court erred by concluding that appellant was not an eligible offender because her application was barred by res judicata; since prior denials, there was a change of circumstances and appellant has demonstrated her rehabilitation. Court also held that appellant's record should be sealed; case remanded for sealing of convictions for improperly handling firearms in a motor vehicle and carrying concealed weapon.

***State v. Jung*, 2020-Ohio-186**

Sentencing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-186.pdf

Trial court erred in sentencing appellant to an indefinite sentence of at least two years but not more than four years for dumping, R.C. 3734.03 and 3734.99, when conviction required a definite sentence.

***S. Euclid v. Fortson*, 2020-Ohio-187**

Home rule

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-187.pdf

In state's appeal, appellee's motion to dismiss was properly granted by trial court. Sole basis for traffic stop was a seat belt violation which is a secondary offense and does not allow the police to stop a vehicle solely because of that violation, *see* R.C. 4513.263(B); that code section "is a general law that takes precedence over South Euclid's ordinance" which allowed police to stop a vehicle solely because of a seatbelt violation.

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.