Appellate Court Decisions - Week of 1/6/20

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

***State v. Ananthula*, 2019-Ohio-5442**

Plea Withdrawal

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/4/2019/2019-Ohio-5442.pdf

Trial court erred when it denied appellant's post-sentence motion to withdraw plea where the court failed to personally address appellant as to the possible deportation consequences of her plea and failed to substantially comply with R.C. 2943.031(A).

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Benjamin*, 2020-Ohio-3**

Plea and sentence

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3.pdf

Trial court erred when, after appellant had pled guilty with an agreed sentencing range of 18-25 years, it sentenced appellant to 27 years without the appellant pleading guilty to a "new sentencing range."

***Cleveland v. Greear*, 2020-Ohio-29**

Evidence

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-29.pdf

In conviction for domestic violence, trial court erred in admitting victim's statements made within the 911 call and the police body camera video; those statements were hearsay and did not fall under either the present sense impression or excited utterance exceptions. The 911 call and body camera video were also not proper impeachment evidence as prior inconsistent statements, as the prosecutor never elicited testimony from the alleged victim regarding the incident prior the state utilizing the evidence.

Ninth Appellate District of Ohio

***State v. Guiser*, 2019-Ohio-5421**

Jail-time credit

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-5421.pdf

Trial court erred in denying appellant's motion for jail time credit which should have included all the time that appellant was confined in jail or a community-based correctional facility, both before and after her community control violations and judicial release violation.

***State v. Bressi*, 2020-Ohio-4**

New trial

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-4.pdf

In state's appeal, after conviction for sexual imposition, trial court did not err in granting appellant's motion for a new trial based on newly discovered evidence; this evidence, including prior patient statements and emails indicating a conspiracy to falsely implicate appellant to avoid paying him his shares of the business, could not have been discovered with due diligence before trial and were not cumulative to evidence presented at trial.

***State v. Kline*, 2020-Ohio-23**

Suppression

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-23.pdf

Trial court erred in denying appellant's motion to suppress without making findings of fact or conclusions of law on whether police officer initially had reasonable suspicion to detain appellant; case reversed and remanded for trial court to make those findings and conclusions.

Tenth Appellate District of Ohio

***State v. Banks*, 2019-Ohio-5440**

Bench trial

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-5440.pdf

Trial court did not have jurisdiction to conduct a bench trial where it failed to comply with the requirements of R.C. 2945.05; appellant never waived his right to a jury trial in open court.

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.