Appellate Court Decisions - Week of 10/1/18

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

First Appellate District of Ohio

***State v. Foster*, 2018-Ohio-4006**

Guilty Plea: Crim.R. 11(C)

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-4006.pdf

Summary from the First District:

"Defendant failed to demonstrate that his guilty plea was not knowingly, voluntarily, and intelligently entered on the ground that the trial court had failed to inform him that he was subject to a mandatory prison term where the plea form failed to inform defendant about the mandatory nature of the prison term, and the trial court advised defendant that he was eligible for community control, but it then expressly told defendant multiple times during the plea colloquy that community control was not a sentencing option and that it was planning to impose a prison term upon him. [*But see* DISSENT: Where the trial court failed to inform defendant that his prison sentence for rape was mandatory time the court wholly failed to comply with Crim.R. 11(C)(2)(a), and defendant's guilty plea must be vacated.]

"Crim.R. 11(C) does not require the trial court to inform a defendant during the plea colloquy about his eligibility for judicial release or earned days of credit unless it is incorporated into a plea bargain or the trial court made some misstatement or misrepresentation about judicial release or earned days of credit that induced defendant to enter his plea.

"Defendant could not demonstrate that his guilty plea to rape was not knowingly, voluntarily, and intelligently entered where the trial court's misstatement of law regarding judicial release did not induce the defendant to enter his guilty plea to rape, and the trial court did not relay inaccurate information during the plea colloquy regarding earned days of credit.

"Defendant's claim that the Ohio Department of Rehabilitation and Correction violated the separation-of-powers doctrine by administratively adding the designation "mandatory" to his records without any judicial order requiring the designation was not demonstrated in the record where the defendant had appended a printout from the Department of

Rehabilitation and Correction to his brief, but the printout had not been made a part of the record in the trial court, and thus, was not part of the record on appeal."

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

Nothing to report.

Sixth Appellate District of Ohio

***In re L.N.*, 2018-Ohio-3892**

Juvenile: Sex-Offender Classification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2018/2018-Ohio-3982.pdf

Summary from the Sixth District: "Where the juvenile court conducted a juvenile offender registration hearing after the delinquent child's release from the secure facility and after the court had terminated its order of probation, the court exceeded its statutory authority under R.C. 2152.83(B)(1) and had no jurisdiction over the child to enter a classification order."

Seventh Appellate District of Ohio

***State v. Reber*, 2018-Ohio-4016**

Continuance

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2018/2018-Ohio-

4016.pdf

The trial court abused its discretion in denying Appellant's request for a continuance. The requested continuance was 30 days, which the court found not to be unreasonable, as Appellant was arraigned less than 60 days prior, and the state had disclosed extensive discovery. The charges carried a potential life sentence. Appellant had not received any continuances in this case. A continuance would not have inconvenienced anyone. The delay was also legitimate. Appellant did not contribute to the circumstances giving rise to the request for continuance.

Eighth Appellate District of Ohio

***State v. Easton*, 2018-Ohio-3995**

Motion to Suppress

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3995.pdf

Summary from the Eighth District: "The trial court did not err in granting a motion to suppress evidence obtained during a traffic stop. In evaluating whether reasonable suspicion of criminal activity existed to support the stop, the trial court heard testimony from the officer who initiated the stop. The trial court found that the officer's account of the circumstances of the stop lacked credibility and, therefore, the motion to suppress was properly granted."

***State v. McQueen*, 2018-Ohio-3996**

Motion to Suppress

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3996.pdf

Summary from the Eighth District: "The trial court did not err in granting the appellee's motion to suppress because the officers did not have reasonable suspicion to search and seize the appellee. Any evidence obtained from the unlawful search and seizure of the appellee is subject to the exclusionary rule because it was a result of the unlawful arrest of the appellee."

***State v. Teaque*, 2018-Ohio-3997**

Allied Offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3997.pdf

Summary from the Eighth District: "The trial court erred in not merging appellant's four convictions for receiving stolen property where the record demonstrates appellant simultaneously possessed the four firearms belonging to the same victim at the same time and location and there was no separate, identifiable harm."

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

***State v. Vega*, 2018-Ohio-4002**

Fourth Amendment

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2018/2018-Ohio-4002.pdf

Conclusion from the Court: "After finding marijuana and other drug paraphernalia in Vega's car, Madej had probable cause to open the envelopes because it was reasonable to believe that they could contain marijuana. Further, based on *Rodriguez* and *Batchili*, Madej had the right

to detain Vega for as long as reasonably necessary to complete the search of the vehicle."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.