Appellate Court Decisions - Week of 10/18/21

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

***State v. Angers*, 2021-Ohio-3640**

Suppression; OVI

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2021/2021-Ohio-3640.pdf

Trial court erred in denying appellant's motion to suppress; although the initial traffic stop of his vehicle was justified based on a tip from a citizen informant which "had a sufficient indicia of reliability . . . the police officer did not have a legal basis to expand the scope of this traffic stop to include field sobriety tests." The officer who stopped appellant's vehicle failed to personally observe any signs that appellant's driving was impaired.

Fourth Appellate District of Ohio

Nothing to report.

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

Nothing to report.

Ninth Appellate District of Ohio

***State v. Dudsak*, 2021-Ohio-3632**

Suppression; OVI

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-3632.pdf

In state's appeal, trial court did not err in granting appellant's motion to suppress the search of his person; a canine alert on appellant's vehicle, standing alone, did not provide probable cause to arrest or search appellant, and there were no additional facts that would provide such probable cause.

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

***O'Neal v. State*, 2021-Ohio-3663**

Execution protocol

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2021/2021-Ohio-3663.pdf

Because "Ohio's execution protocol is not a rule having a general and uniform operation," appellants' have standing to challenge the validity of the protocol described in 01-COM-11, but DRC was not required to file the protocol pursuant to R.C. 111.15 which is the state's formal rulemaking procedures.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.