Appellate Court Decisions - Week of 11/11/19

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

***State v. Zafr*, 2019-Ohio-4602**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-4602.pdf

In state appeal, grant of motion to suppress warrantless search was not error where police officers improperly detained appellant without reasonable suspicion that he was engaged in criminal activity; nervousness and reluctance to speak with officers were not enough to justify a *Terry* stop.

Third Appellate District of Ohio

***State v. Stiltner*, 2019-Ohio-4631**

Competency

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2019/2019-Ohio-4631.pdf

Trial court erred in accepting waiver of counsel a by appellant whom court had determined might be incompetent; remanded to determine competency.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Smith*, 2019-Ohio-4645**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-4645.pdf

No-contest plea was not made knowingly, voluntarily, and intelligently, as trial court failed to advise appellant that a plea of no contest is not an admission of guilt. Plea invalidated for failure to abide by Crim.R. 11(C)(2)(b).

***State v. Mast*, 2019-Ohio-4644**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-4644.pdf

Trial court erred in denying appellant's motion to suppress where appellant is seized for purposes of the Fourth Amendment when the police officers take and retain appellant's driver's license since a reasonable person would not feel free to leave and officers had no reasonable, articulable suspicion that appellant had driven to the police station.

Sixth Appellate District of Ohio

***State v. Jeffery*, 2019-Ohio-4612**

Court costs and appointed counsel fees

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-4612.pdf

Trial court erred in imposing costs of confinement and costs of appointed counsel without finding that appellant had or reasonably would have the ability to pay them.

***Perrysburg v. Wells*, 2019-Ohio-4620**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-

4620.pdf

Trial court erred in including in sentencing entry that appellant serve 24 months of probation and a 12-month driver's license suspension since court did not mention those terms during the sentencing hearing; probation and suspension vacated.

***State v. Searfoss*, 2019-Ohio-4619**

Insufficient evidence; prosecutorial misconduct

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-4619.pdf

In convictions for money laundering and other offenses, there was insufficient evidence that appellant was guilty of money laundering, as "this case is really a simple theft case in which appellant acquired control of Trust funds without authority;" the trial court also erred in allowing evidence of appellant's violations of the civil Trust Code and Rules of Professional Misconduct; and state committed prosecutorial misconduct in making repeated reference to civil codes. Discharged on money laundering counts; remanded for new trial on other offenses.

Seventh Appellate District of Ohio

***State v. Bankston*, 2019-Ohio-4637**

Postrelease control

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2019/2019-Ohio-4637.pdf

In agreed plea and sentence, as the trial court failed to mention postrelease control in appellant's sentencing entry, that part of the sentence is void; and since appellant has been released from prison, the error cannot now be corrected. Postrelease control terminated.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

***State v. Craft*, 2019-Ohio-4662**

Postrelease control

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-4662.pdf

Trial court incorrectly advised appellant that he would be subject to a period of postrelease control determined by the parole board rather than the mandatory term of five years; and since appellant has been released from prison, the error cannot be corrected. Postrelease control terminated.

***State v. J.B.*, 2019-Ohio-4659**

Sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-4659.pdf

Trial court erred in denying appellant's application for record sealing without holding a hearing to determine appellant's eligibility for sealing. R.C. 2953.32(B).

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

***In re: O.V.*, 2019-Ohio-4628**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2019/2019-Ohio-4628.pdf

Juvenile court erred in adjudicating appellant a delinquent child for committing acts that if charged as an adult would constitute gross sexual imposition because the court lacked subject-matter jurisdiction; all the

alleged sexual contact took place in New York, not Ohio so adjudication is reversed and vacated and appellant discharged.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.