Appellate Court Decisions - Week of 11/16/20

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

First Appellate District of Ohio

***State v. Saunders*, C-190367**

***Batson* challenge**

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

The trial court committed clear error by allowing the state to exercise a peremptory challenge to remove a black juror after offering a "race-based reason" for the challenge; convictions for murder and CCW reversed and remanded for a new trial.

***State v. Ragonesi*, C-190528**

Sufficiency of evidence; failure to stop after accident

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

The state failed to present sufficient evidence that appellant struck a person or property while on a public road as required by R.C. 4549.02; appellant struck an object on private property, not on a public roadway or highway. She was charged under the wrong statute, and the state never sought to amend the complaint.

***State v. Hayes*, C-190461**

Restitution

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

Appellant's conviction for arson was affirmed; but the trial court erred in ordering appellant to pay the cost of the victim's parking expenditures which were not the direct and proximate result of appellant's arson offense.

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

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. M.T.*, 2020-Ohio-5256**

Record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-5256.pdf

Trial court erred in denying appellee's application for sealing of his dismissed rape and kidnapping cases; appellant was eligible under R.C. 2953.52, and the state "had eight years to investigate these allegations prior to indictment and another 18 months before they dismissed the case." And "R.C. 2953.52, by its own terms extends eligibility for sealing to applicants named in cases dismissed without prejudice where the statute of limitations has not expired. *See also State v. Dye*, 152 Ohio St.3d 11, 2017-Ohio-7823, 92 N.E.3d 818, ¶ 12 ('R.C. 2953.52(B)(2)(a)(ii) requires only that a court determine whether the relevant statute of limitations in a case dismissed without prejudice has expired, but this determination is not dispositive of whether the court can grant an application to seal records pursuant to R.C. 2953.52(B)(4).')."

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Ciresi*, 2020-Ohio-5305**

Restitution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2020/2020-Ohio-5305.pdf

Trial court erred in ordering $400 in restitution for an "heirloom coin;" order was clearly and convincingly contrary to law under R.C. 2953.08. While a victim's estimated value of the collection is permissible under R.C. 2929.18(A)(1), which permits a court to order restitution based on an amount recommended by the victim, due process requires that the amount of restitution bear a reasonable relationship to the actual loss suffered." Here, there was no evidence to show the actual economic loss or monetary loss suffered by the victim.

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.