# Appellate Court Decisions - Week of 11/23/20

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

## First Appellate District of Ohio

***State v. Stiles*, C-190715**

**Motion to dismiss**

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

**In state's appeal, trial court did not err in dismissing murder indictment; appellant pled to felonious assault in 2005 for his assault on a five-month-old baby, but the state failed to reserve the right to pursue future charges should the baby die as a result of his injuries which occurred 14 years later. Following *State v. Carpenter*, 68 Ohio St.3d 59, 623 N.E.2d 66 (1993) and *State v. Dye*, 127 Ohio St.3d 357, 2010-Ohio-5728, 939 N.E.2d 1217.**

## 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

***State v. Erhardt*, 2020-Ohio-5328**

**Speedy trial**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-5328.pdf**

**Trial court did not err in dismissing rape case due to four year delay between filing of criminal complaint and when the indictment was prepared and issued to appellee; appellee suffered prejudice by not being able to acquire certain medical records and state was unable to present a justifiable reason for the**

**delay. *Barker v. Wingo*, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972).**

## Sixth Appellate District of Ohio

***State v. Williamson*, 2020-Ohio-5369**

**Sentencing; firearm specification and WUD**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-5369.pdf**

**State concedes error where trial court erred by imposing one-year prison term for firearm specification attached to weapons under disability count; none of the factors found in R.C. 2929.14(B)(1)(e)(i) and (ii) applied to appellant which would justify such a prison term.**

## Seventh Appellate District of Ohio

***Nothing to report.***

## Eighth Appellate District of Ohio

***Nothing to report.***

## Ninth Appellate District of Ohio

***Nothing to report.***

## Tenth Appellate District of Ohio

***State v. Stewart*, 2020-Ohio-5344**

**Evid.R. 404(B)**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-5344.pdf**

**Trial court erred in allowing state to present a video of appellant shooting a gun which was filmed two months before the murder; handgun was not distinctive enough to match the murder weapon and establish appellant's identity. However, error was harmless due to limiting instruction given by court and "the strength of the other admissible evidence."**

## Eleventh Appellate District of Ohio

***Nothing to report.***

## Twelfth Appellate District of Ohio

***Nothing to report.***

## Supreme Court of Ohio

***State v. Long*, 2020-Ohio-5363**

**Constitutional speedy trial**

**Full Decision:**
**https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-5363.pdf**

**Appellant's constitutional speedy trial right was violated by a more than 483-day delay in the proceedings that occurred after the Second District Court of Appeals reversed and remanded appellant's convictions for aggravated robbery and the appellant filed his second motion to dismiss. *"Date on which an appellate court orders a case remanded is the appropriate date to start the clock to determine the relevant length of the delay for speedy-trial purposes—A motion to dismiss that alleges a violation of the right to a speedy trial does not reset the speedy trial clock—The four factors to be considered in determining whether there has been a denial of a defendant's constitutional right to a speedy trial are (1) the length of delay, (2) the reason for the delay, (3) the defendant's assertion of his right to a speedy trial, and (4) the prejudice to the defendant."* Following *Barker v. Wingo*, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972). Convictions vacated.**

## Sixth Circuit Court of Appeals

***Nothing to report.***

## Supreme Court of the United States

***Nothing to report.***