Appellate Court Decisions - Week of 12/30/19

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

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

***State v. Richter*, 2019-Ohio-5422**

Insufficient evidence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-5422.pdf

Summary from Sixth District: "The record is devoid of any evidence to show that appellant acted with a desire to assist Wimpey in assaulting Vasquez. There is no evidence to demonstrate the existence of an accomplice relationship between appellant and Wimpey, and thus no shared criminal intent in this case. Because shared criminal intent is an element to the state's charge of complicity [to murder] in this case, we conclude that the state's evidence is insufficient to support appellant's conviction for complicity [to murder]." There was also insufficient evidence to support appellant's conviction for inciting to violence, as appellate court held that charge "is limited to instances in which one incites another to commit an offense of violence against a third party." In the instant case, appellant's act

of throwing beer bottles only incited another to commit an offense against appellant, not the third party victim.

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

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Thompson*, 2019-Ohio-5407**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-5407.pdf

In accordance with Crim.R. 11, plea was not made knowingly, intelligently, and voluntarily where trial court, although advising appellant of his right to a trial during the plea colloquy, failed to advise him of his right to a jury trial; that error was not cured by the written plea form which contained the jury trial language.

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.