Appellate Court Decisions - Week of 2/11/19

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

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Pierce*, 2019-Ohio-467**

Sentencing: Pre-Sentence Investigation: Community Control

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2019/2019-Ohio-467.pdf

Appellant's community control sentences are contrary to law because the trial court failed to consider a pre-sentence investigation report prior to imposing community control.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

***State v. Ellis*, 2019-Ohio-427**

Receiving Stolen Property

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-427.pdf

Summary from the Sixth District: "Appellant's conviction for fourth-degree

receiving stolen property must be reduced to a misdemeanor of the first degree where the jury verdict form did not include the level of the offense or a statement recognizing the presence of aggravating elements. Trial court's imposition of one-year and three-year firearm specifications relative to the same felony is contrary to law."

***State v. Glenn*, 2019-Ohio-429**

Administrative License Suspension

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-429.pdf

From the opinion: "Upon review, we find the record reveals the BMV did not present evidence which was sufficient to demonstrate that [the police officer], within 48 hours of appellant's arrest, sent a sworn BMV 2255 form to the BMV and the trial court. Thus, the BMV failed to present prima facie evidence that it complied with R.C. 4511.192. Therefore, * * * we find appellant's ALS appeal should not have been denied, as appellant should have been relieved of the burden of proving that one of the R.C. 4511.197(C) conditions had not been met.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Alexander*, 2019-Ohio-451**

Other-Acts Evidence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-451.pdf

Summary from the Eighth District: "The state's introduction of appellant's prior theft did not meet the Evid.R. 404(B) exceptions for admission of prior acts and was harmful and prejudicial to appellant."

Ninth Appellate District of Ohio

Nothing to report.

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.