Appellate Court Decisions - Week of 2/10/20

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

First Appellate District of Ohio

***State v. Warren*, C-180649**

Appointed counsel fees

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

In bench trial, court erred in considering and expressly relying on the hearsay statements of the prosecutor as admissible evidence when the statements were not offered as evidence by the state.

***State v. Kinley*, C-190270**

Jail-time credit

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

Trial court's judgment entry incorrectly stated that appellant was awarded two days jail-time credit, when, in fact, at sentencing, trial court correctly awarded 52 days of jail-time credit. Case remanded for trial court to correct nunc pro tunc this clerical error.

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. Taylor*, 2020-Ohio-490**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-490.pdf

Police officers had reasonable suspicion to stop vehicle because rear license plate was partially covered by the license plate frame, and they had probable cause to search the passenger compartment and center console because they smelled marijuana; however, officers exceeded the scope of the search by removing a dashboard panel, as "this invasive action was undertaken on the basis of a mere hunch, a nonparticularized suspicion, and not on the basis of probable cause." Case reversed in part.

Ninth Appellate District of Ohio

***State v. Perez*, 2020-Ohio-530**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-530.pdf

Trial court erred in denying appellant's motion to suppress traffic stop where such denial was not supported by competent credible evidence, and the trial court failed to make findings of fact.

Tenth Appellate District of Ohio

***State v. Pippins*, 2020-Ohio-503**

Jury

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-503.pdf

Trial court erred in not declaring a mistrial on two counts and sentencing appellant on those counts where one juror indicated she felt pressured or was uncertain as to her guilty verdict on those counts, rendering the verdicts not unanimous.

***State v. O.A.B.*, 2020-Ohio-547**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-547.pdf

Trial court committed plain error by failing to merge the offenses of child endangering and domestic violence as allied offenses of similar import; same conduct supported both offenses and both offenses were committed with the same animus.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Faggs*, 2020-Ohio-523**

Affirmative Defense – reasonable parental discipline

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-523.pdf

In certified conflict case, in a criminal prosecution of a parent or an adult acting in loco parentis for domestic violence, where the acts relate to corporal punishment of a child, the burden of proof by a preponderance of the evidence rests with the accused to prove the affirmative defense of reasonable parental discipline in accordance with R.C. 2901.05(A).

***State v. Dibble*, 2020-Ohio-546**

Search warrant – good faith exception

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-546.pdf

Summary from OSC: "Crim.R. 41(C)(2) does not bar a trial court from considering unrecorded oral testimony [from the detective to the judge at the time of the approval of the warrant] when evaluating a detective's good-faith reliance on [such] warrant . . . a court may consider evidence beyond the four corners of a search-warrant affidavit in determining whether an officer reasonably and in good faith relied on that warrant."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.