Appellate Court Decisions - Week of 3/11/19

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

Nothing to report.

Fifth Appellate District of Ohio

***State v. Krouskoupf*, 2019-Ohio-806**

Sex offense: Weight of the Evidence.

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-806.pdf

Trial court erred by completely failing to inform defendant at a plea hearing for a new felony that a consecutive prison sentence for a post-release control violation was possible; as this was not even partial compliance, defendant did not need to show prejudice. Plea vacated and case remanded.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Grayson*, 2019-Ohio-864**

Sex offense: Weight of the Evidence.

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-864.pdf

Trial court erred by re-sentencing on convictions that were not part of the remand from previous appeal, as those sentences are final.

***In re: J.J.*, 2019-Ohio-866**

Sex offense: Weight of the Evidence.

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-866.pdf

Juvenile court committed plain error by failing to conduct a sufficient voir dire examination of alleged child victim before its determination that he was incompetent to testify; case reversed and remanded for a proper voir dire examination.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Shriver*, 2019-Ohio-840**

Sex offense: Weight of the Evidence.

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-840.pdf

As a no-contact order is a community control sanction, and defendant was

sentenced to a prison term, order must be vacated since the felony sentencing statutes require that either a prison term or community control sanctions for each felony offense be imposed, but not both.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

***Cruise-Gulyas v. Minard*, No. 18-2196**

Free Speech.

Full Decision:
http://www.opn.ca6.uscourts.gov/opinions.pdf/19a0043p-06.pdf

Showing a police officer your middle figure or "flipping him the bird" is not unlawful and is no basis for an officer to make a stop; the second stop of Ms. Cruise-Gulyas was a violation of her Fourth Amendment right to be free of unreasonable government search and seizures and was premised on an exercise of her free speech rights. "Because Cruise-Gulyas did not break any law that would justify the second stop and at most was exercising her free speech rights, we affirm the district court's order denying Officer Minard's Civil Rule 12(c) motion for judgment on the pleadings."s

Supreme Court of the United States

Nothing to report.