Appellate Court Decisions - Week of 4/20/20

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

First Appellate District of Ohio

***State v. Wilson*, C-190281**

Insufficient evidence; operating a vehicle under an OVI suspension

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

Appellant was charged with operating a vehicle with an OVI suspended license. Majority found that she never actually operated the vehicle because "the state offered no evidence that the car actually moved (a point the state eventually concedes)." (Appellant was found sleeping in her car, in the front seat, with the car running.) The majority went on to hold that the statutory interpretation in R.C. 4511.01(HHH) won out over a prior judicial interpretation, as "the judicial interpretation [was] superseded by subsequent legislative action and, regardless, not directed at the statute that we must interpret in this case."

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Patterson*, 2020-Ohio-1437**

Right to counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2020/2020-Ohio-1437.pdf

In re-sentencing hearing to correct void PRC, the trial court erred in not appointing trial counsel for appellant, in violation of his Sixth Amendment right.

Fourth Appellate District of Ohio

***State v. Houk*, 2020-Ohio-1547**

Mistrial

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2020/2020-Ohio-1547.pdf

In state's appeal, trial court did not err in dismissing case with prejudice where "the prosecutor explicitly and unequivocally informed the court and opposing counsel that he would not mention during opening statement appellee's alleged statement concerning her prior convictions. However, during opening statement the prosecutor explicitly mentioned the appellee's statement concerning her prior OVI convictions." Trial court was correct in finding that the prosecutor intended to cause a mistrial.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohiopaypal

Nothing to report.

Eighth Appellate District of Ohio

***Parma v. Tayeh*, 2020-Ohio-1494**

Insufficient evidence; possession of dangerous drug

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-1494.pdf

Conviction for possession of dangerous drugs was not supported by sufficient evidence where the state failed to present any evidence that Seroquel, the pills found in appellant's car, was a dangerous drug; and the trial court failed to take judicial notice that Seroquel was a dangerous drug.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Decker*, 2020-Ohio-1464**

Ineffective assistance of counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-1464.pdf

In appeal reopened in accordance with App.R. 26(B), although appellant was found incompetent and unrestorable, R.C. 2945.39, trial counsel was ineffective for failing to contest whether appellant was truly guilty of rape and gross sexual imposition. There was substantial evidence that appellant's confession was coerced by police, and there were questions as to the reliability of the state's evidence. Appeal was reopened because prior appellant counsel was ineffective in failing to failing to raise trial counsel's ineffectiveness.

Eleventh Appellate District of Ohio

***State v. Sullivan*, 2020-Ohio-1439**

Jury instruction; self-defense

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2020/2020-Ohio-1439.pdf

In assault conviction, trial court erred in refusing to give a jury instruction on self-defense where there was evidence presented that victim struck appellant first, and he had to defend himself with force, as victim struck him with a chair.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Jeffries*, 2020-Ohio-1539**

Rape-shield law

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-1539.pdf

Summary from OSC: "Both consensual and nonconsensual sexual activity are barred from admission into evidence by Ohio's rape-shield law, absent one of the specific exceptions listed in the law." Appellant was barred from introducing evidence of his accuser's prior sexual assault.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

***Ramos v. Louisiana*, 590 U.S. ____ (2020)**

Unanimous jury verdicts

Full Decision:
https://www.supremecourt.gov/opinions/19pdf/18-5924_n6io.pdf

"In 48 States and federal court, a single juror's vote to acquit is enough to prevent a conviction. But two States, Louisiana and Oregon, have long punished people based on 10-to-2 verdicts. In this case, petitioner Evangelisto Ramos was convicted of a serious crime in a Louisiana court by a 10-to-2 jury verdict. Instead of the mistrial he would have received almost anywhere else, Ramos was sentenced to life without parole. He contests his conviction by a nonunanimous jury as an unconstitutional denial of the Sixth Amendment right to a jury trial.

Held: The judgment is reversed.
2016–1199 (La. App. 4 Cir. 11/2/17), 231 So. 3d 44, reversed.

JUSTICE GORSUCH delivered the opinion of the Court with respect to Parts I, II–A, III, and IV–B–1, concluding that the Sixth Amendment right to a jury trial—as incorporated against the States by way of the Fourteenth Amendment—requires a unanimous verdict to convict a defendant of a serious offense."

GORSUCH, J., announced the judgment of the Court, and delivered the opinion of the Court with respect to Parts I, II–A, III, and IV–B–1, in which GINSBURG, BREYER, SOTOMAYOR, and KAVANAUGH, JJ., joined, an opinion with respect to Parts II–B, IV–B–2, and V, in which GINSBURG, BREYER, and SOTOMAYOR, JJ., joined, and an opinion with respect to Part IV–A, in which GINSBURG and BREYER, JJ., joined. SOTOMAYOR, J.,

filed an opinion concurring as to all but Part IV–A. KAVANAUGH, J., filed an opinion concurring in part. THOMAS, J., filed an opinion concurring in the judgment. ALITO, J., filed a dissenting opinion, in which ROBERTS, C. J., joined, and in which KAGAN, J., joined as to all but Part III–D.