Appellate Court Decisions - Week of 4/27/20

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. Bernhardt*, 2020-Ohio-1639**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-1639.pdf

Trial court erred in sentencing appellant to community control to be served consecutively to a prison term, *see State v. Hitch*cock, 157 Ohio St.3d 215, 2019-Ohio-3246, 134 N.E.3d 164; erred in failing to advise appellant regarding post-release control; and erred in imposing a lump sum sentencing package as opposed to sentencing separately on each count, *see State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, 846 N.E.2d 824.

Sixth Appellate District of Ohio

***State v. Moore*, 2020-Ohio-2653**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-2653.pdf

Trial court erred in sentencing appellant to a mandatory term of 11 years for involuntary manslaughter; "[b]ecause appellant was not convicted for involuntary manslaughter based upon an underlying OVI-type offense or an offense that includes as an element the operation of a vehicle while under the influence of alcohol or a drug of abuse, we find that the trial court's sentence was contrary to law."

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Sandidge*, 2020-Ohio-1629**

Sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-1629.pdf

As trial court's sentencing entry contained a clerical error where the court reversed the sentences for two counts it had imposed at the sentencing hearing; case remanded for nunc pro tunc order correcting error.

***State v. J.C.*, 2020-Ohio-1617**

Sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-1617.pdf

In state's appeal, trial court did not err in sealing appellant's convictions for unlawful restraint and menacing; although prior open-container conviction was not a minor misdemeanor, it had been sealed. Therefore, the trial court had the discretion to disregard the prior sealed conviction. *See State v. B.H.*, 8th Dist. Cuyahoga No. 106380, 2018-Ohio-2649.

***Cleveland v. Patterson*, 2020-Ohio-1628**

Indirect contempt

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-1628.pdf

Trial court erred in convicting appellant of indirect contempt for disobeying a court order, where the city failed to introduce the court order into evidence and "failed to properly authenticate both the document purporting to show the offending calls made by [appellant] and the recordings of those calls."

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Taylor*, 2020-Ohio-1636**

Sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-1636.pdf

Following violation of and re-imposition of community control, trial court erred by imposing a ten-month jail sentence as an additional condition of community control where the maximum jail sentence to be served as a condition of community control is six months.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

***State v. Johnson*, 2020-Ohio-2676**

Sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2020/2020-Ohio-2676.pdf

Trial court erred in ordering a mandatory three-year term of postrelease control because his offense was vehicular assault, a third-degree felony,

which is not an offense of violence nor a sex offense that would require a mandatory term of PRC.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.