Appellate Court Decisions - Week of 4/8/19

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

First Appellate District of Ohio

***State v. Asher*, 2019-Ohio-1317**

Guilty Plea: Crim.R. 11: Sentencing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1317.pdf

Summary from the First District: "Where the trial court thoroughly complied with Crim.R. 11(C)(2) before accepting defendant's guilty plea to a felony offense, and where defendant entered the plea knowingly, intelligently, and voluntarily, the trial court did not err in failing to sua sponte vacate the plea after defendant claimed innocence at the sentencing hearing.

"Where the imposition of a five-year period of community control fell within the statutorily authorized period of community control under R.C. 2929.15(A)(1), the sentence was not contrary to law."

***State v. Coulter*, 2019-Ohio-1375**

Sentencing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1375.pdf

Summary from the First District: "The trial court's imposition of a 20-year aggregate sentence was not contrary to law where the court made the required consecutive sentencing findings pursuant to R.C. 2929.14(C)(4), and where the record demonstrated the court's consideration of the R.C. 2929.11 purposes and principles of sentencing and the R.C. 2929.12 factors."

Second Appellate District of Ohio

***State v. Berry*, 2019-Ohio-1254**

OVI: Motion to Suppress

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-1254.pdf

Summary from the Second District: "The trial court did not err in concluding that a police officer lacked a reasonable, articulable suspicion to administer field sobriety tests, and in therefore granting Appellee's motion to suppress evidence. Further, the court declines at this time to overrule precedent in this district concerning reasonable, articulable suspicion to administer field sobriety tests. Judgment affirmed."

***State v. Sibrian*, 2019-Ohio-1262**

Court Costs

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-1262.pdf

Summary from the Second District: "Trial court erred in denying, without explanation, defendant's post-conviction motion to waive court costs. Judgment reversed and matter remanded for reconsideration of defendant's motion. (Tucker, J., concurring in judgment only.)"

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Thacker*, 2019-Ohio-1305**

Speedy Trial

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-1305.pdf

The trial court erred in denying Appellant's motion to dismiss the charges against him for violating his speedy-trial right. The delay of 437 days on the first-degree misdemeanor charges was not justified by Appellant's failure to respond to the state's discovery request, made in 2016. The state was not

delayed in its preparation for trial by Appellant's failure to respond to the discovery request, and Appellant did not waive time in any other manner.

***State v. Bronkar*, 2019-Ohio-1306**

Illegal Use of a Minor in Nudity-Oriented Material or Performance: Sufficiency

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-1306.pdf

Appellant's conviction for illegal use of a minor in nudity-oriented material was based on insufficient evidence where, although he had several pictures of nude children, they did not depict the children involved in sexual activity, were not close-ups of genitals, and did not depict the children posing in a lewd manner.

Sixth Appellate District of Ohio

***State v. Reed*, 2019-Ohio-1266**

Confinement Credit

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-1266.pdf

Summary from the Sixth District: "Trial court failed to grant confinement credit for electronic monitoring and standard house arrest."

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

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.