Appellate Court Decisions - Week of 5/26/20

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

First Appellate District of Ohio

***State v. Craig*, C-160816**

Merger; jail-time credit

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

Trial court erred in sentencing appellant to concurrent prison terms instead of merging two felonious assault counts; trial court also erred in failing to award him jail-time credit.

Second Appellate District of Ohio

***State v. Harris*, 2020-Ohio-3056**

Court costs

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2020/2020-Ohio-3056.pdf

Trial court erred by denying motion to waive or stay court costs without considering appellant's present or future ability to pay the costs.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Hodge*, 2020-Ohio-3002**

Sufficiency

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

3002.pdf

Conviction for intimidation of a public servant was not supported by sufficient evidence "where the evidence fails to prove that the threat was made to *attempt to influence, intimidate, or hinder a public servant, party official, or witness in the discharge of the person's duty.*" Appellant had already been arrested when he made his threat.

***State v. Panda*, 2020-Ohio-3040**

Withdrawal of guilty plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-3040.pdf

Trial court erred in denying appellant's motion to withdraw her guilty plea where court failed to advise her that her plea might prevent her from becoming a naturalized citizen, R.C. 2943.031.

Sixth Appellate District of Ohio

***State v. Mathis*, 2020-Ohio-3068**

Other acts

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-3068.pdf

In conviction for aggravated murder, trial court erred when it admitted other acts evidence of prior domestic violence incidents which occurred years before murder, with two of the three incidents involving other persons, not the victim in the instant case. The prior incidents did "not contain the same distinctive characteristics that would rise to the level of a behavioral fingerprint" and did "not meet the strict threshold of establishing a modus operandi to prove appellant's identity as permitted under Evid.R. 404(B), and instead constituted impermissible evidence as to appellant's character and propensity to act in conformity with the other acts." As error was not harmless beyond a reasonable doubt, case remanded for a new trial.

***State v. Casi*, 2020-Ohio-3063**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-3063.pdf

Trial court erred in denying appellant's motion to suppress the search of her vehicle, where, following a valid traffic stop, appellant did not give consent to search following K9's failure to alert to drugs in the vehicle. Appellant's recorded words were in opposition to state trooper's conclusion she gave consent.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Guy*, 2020-Ohio-3037**

Sufficiency; law of the case; felonious assault

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3037.pdf

Conviction for felonious assault was based on insufficient evidence; in previous appeal of conviction of appellant's mother for same incident, appellate court found the state did not present sufficient evidence that appellant attempted to cause physical harm to the victims. Prior holding "presents an unusual twist on the law-of-the-case doctrine" where co-defendants were jointly indicted and tried together with same evidence.

Ninth Appellate District of Ohio

***State v. Guy*, 2020-Ohio-3011**

Sex offender classification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-3011.pdf

Trial court erred in classifying appellant as a Tier III sex offender under the Adam Walsh Act ("AWA") where his offense was committed in 2006, prior to the enactment of AWA. Case remanded for reclassification under Megan's Law.

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

***State v. Jones*, 2020-Ohio-3051**

Peremptory challenges

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-3051.pdf

Summary from OSC: "*A trial court's good-faith error in allowing the state to exercise a peremptory challenge out of sequence is not structural error but rather is trial error and subject to harmless-error review.*" The Court did hold that the state, not appellant, bears the burden to show the error did not affect the outcome of the trial; but in this case, it found the error harmless.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.