Appellate Court Decisions - Week of 5/31/21

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

***State v. Terrell*, 2021-Ohio-1840**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2021/2021-Ohio-1840.pdf

Appellant's guilty plea was not knowingly, intelligently, and voluntarily entered where the trial court partially failed to comply with Crim.R. 11(C)(2)(a) by not advising him of the mandatory term of imprisonment for two out of his three offenses. Further, appellant was prejudiced by this misinformation, as he would not have pled guilty had he had this information.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Montgomery*, 2021-Ohio-1831**

Sufficiency; tampering with evidence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2021/2021-Ohio-1831.pdf

Appellant's conviction for tampering with evidence, arising out of the death of a hospice patient, was not based on sufficient evidence where there was no evidence presented that appellant made her reports knowing that an official proceeding or investigation was in progress or was about to be instituted.

Fifth Appellate District of Ohio

***State v. Gordon*, 2021-Ohio-1803**

Suppression; traffic stop

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2021/2021-Ohio-1803.pdf

Trial court did not err in granting appellant's motion to suppress the stop of his vehicle where the trooper lacked a reasonable, articulable suspicion that appellant had committed a traffic offense. The trooper's testimony that he observed appellant's car go over the center line on two occasions was not supported by his cruiser's video of the incident.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Scott*, 2021-Ohio-1823**

Vindictive sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1823.pdf

On remand for failure to merge sentences, trial court again erred by failing to make the required findings for consecutive sentences, pursuant to R.C. 2929.14(C); court also erred in increasing sentence on one count without an objective, non-vindictive reason for the greater sentence.

***State v. Delvallie*, 2021-Ohio-1809**

Reagan Tokes Law unconstitutional

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1809.pdf

Challenge to Reagan Tokes Law is ripe for review; and COA finds Reagan Tokes violates Sixth Amendment right to a trial by jury, violates the separation of powers doctrine and due process, and is void for vagueness.

And then along comes another case out of the Eighth District that comes to the opposite conclusion. Anytime the Eighth's judges would like to get on the same

page would be great. Here is the other case:

***State v. Gamble*, 2021-Ohio-1810**

Reagan Tokes Law constitutional

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1810.pdf

***State v. Wright*, 2021-Ohio-1811**

Withdrawal of plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1811.pdf

Trial court erred in denying appellant's pre-sentence motion to withdraw his guilty plea without "holding a hearing or otherwise addressing the merits of the motion on the record."

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.