Appellate Court Decisions - Week of 6/3/19

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

First Appellate District of Ohio

***State v. Sweeting*, C-180161**

Jury trial waiver

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

Because defendant did not read, sign or submit a written jury waiver to the court, strict compliance with R.C. 2945.05 was not shown; therefore, the court lacked jurisdiction to conduct a bench trial. Reversed and remanded.

Second Appellate District of Ohio

***State v. Doss*, 2019-Ohio-2247**

Insufficient evidence; violation of protection order

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-2247.pdf

Evidence was insufficient for conviction of violation of a protection order, as state failed to prove that defendant was properly notified of the civil protection order before he was alleged to have violated it.

***State v. Snell*, 2019-Ohio-2251**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-2251.pdf

Trial court erred in failing to state the duration of the community control sanction in accordance with R.C. 2929.25(A)(2); but as sentence was void, court had authority to resentence defendant and correct and add the duration of the community control which included a no-contact order.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Urban*, 2019-Ohio-2244**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-2244.pdf

Trial counsel was ineffective for failure to raise the issue of the sentencing caps found in R.C. 2929.15(B)(1)(c).

***In re P.K.*, 2019-Ohio-2310**

Sanctions

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-2310.pdf

In adjudication of juvenile as delinquent, trial court did not err in awarding attorney fees to juvenile as a sanction for the state's discovery violation, under the authority of Crim.R. 16 and Juv.R. 24; however, denial of motion to dismiss was not error.

Sixth Appellate District of Ohio

***State v. Heidelberg*, 2019-Ohio-2257**

Driver's license suspension

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-2257.pdf

Trial court erred in imposing lifetime driver's license suspension, as defendant was convicted of attempted failure to comply which is not subject to the lifetime suspension in R. C. 2921.331; but three-year suspension for OVI in accordance with R.C. 4511.19(G)(1)(b) was correct.

***State v. Reece*, 2019-Ohio-2259**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-2259.pdf

Trial court erred in accepting *Alford* pleas because court failed to advise him of his right to counsel and/or that he voluntarily, intelligently, or knowingly waived that right; guilty plea vacated.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Norman*, 2019-Ohio-2225**

Hearsay

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2225.pdf

Trial court erred in admitting statements which were hearsay, as 'being upset does not meet the standard for admissibility" as an excited utterance under Evid.R. 803(2); however, error harmless, as evidence of guilt overwhelming.

***E. Cleveland v. Harris*, 2019-Ohio-2226**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2226.pdf

The trial court erred by finding defendant guilty of OVI after no contest plea; R.C. 2937.07 requires an explanation of the circumstances of the offense be set forth on the record before the trial court may find the defendant guilty, and trial court failed to do so. However, double jeopardy does not bar retrial.

***State v. Bourn*, 2019-Ohio-2327**

Preindictment delay

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2327.pdf

In state's appeal, trial court did not err in dismissing rape charge for over 12-year preindictment delay where delay was prejudicial; original investigative file was missing, and the same DNA evidence was available at the time of the investigation 12 years earlier, citing *State v. Kafantaris*, 2018-Ohio-1397, 110 N.E.3d 793 (8th Dist.).

Ninth Appellate District of Ohio

***State v. Thompson*, 2019-Ohio-2269**

Motion to suppress

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-2269.pdf

Trial court erred in denying motion to suppress without stating its factual findings on the record at the conclusion of the suppression hearing or setting forth factual findings in its journal entry denying the motion to suppress; matter remanded for trial court to make findings.

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.