Appellate Court Decisions - Week of 6/29/20

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

Nothing to report.

Sixth Appellate District of Ohio

***State v. Maire*, 2020-Ohio-3491**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-3491.pdf

Trial court erred sentencing appellant to consecutive sentences where "the trial court found consecutive sentences were necessary to protect the public from future crime and to punish appellant, but the court did not find that consecutive sentences were not disproportionate to the seriousness of appellant's conduct and to the danger he poses to the public. In addition, the court failed to find one of the factors of R.C. 2929.14(C)(4)(a), (b) or (c) at the sentencing hearing.

***State v. Dickerson*, 2020-Ohio-3489**

Record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-3489.pdf

Trial court erred applying the wrong legal standard when denying his application to seal the records of a dismissed OVI and assured clear distance case; the trial court should have determined whether appellant's interests were outweighed by the government's legitimate needs, not whether the government's legitimate needs were outweighed by appellant's interests.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***Cleveland v. Kuhlman*, 2020-Ohio-3452**

Sufficiency; OVI

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3452.pdf

Evidence was insufficient to support convictions for OVI and failure to control; toxicology report of appellant's urine was negative for alcohol or drugs, and there was no evidence presented that appellant operated her vehicle on a public road or highway which is necessary for a failure to control conviction.

This one is worth the read just to see how many errors a prosecutor and trial court can make in one case.

Ninth Appellate District of Ohio

***State v. A.V.*, 2020-Ohio-3519**

Record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-3519.pdf

Trial court failed to comply with the requirements of R.C. 2953.32(B) when it denied appellant's application for sealing without setting the matter for a hearing; in previous appeal of this case, this appellate court found that attempted unlawful sexual conduct with a minor was eligible to be sealed.

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. Taylor*, 2020-Ohio-3514**

Court costs

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-3514.pdf

Summary from OSC: "*Ohio's statutory scheme does not require a trial court to consider the defendant's present or future ability to pay court costs when ruling on the defendant's motion to waive, suspend, or modify court costs under R.C. 2947.23(C).*

And we have another dissent from Stewart, joined by Donnelly. Anyone see a pattern?

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.