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. Diol*, 2019-Ohio-2197**

Withdrawal guilty plea; ineffective assistance of counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-2197.pdf

Trial court erred in denying defendant's motion to vacate guilty plea under Crim.R. 32.1 without an evidentiary hearing where counsel advised defendant on the record that deportation was discretionary, although it was presumptively mandatory.

Second Appellate District of Ohio

***State v. Deaton*, 2019-Ohio-2128**

Postconviction relief

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-2128.pdf

Trial court erred in dismissing Appellant's petition for postconviction relief as untimely, as trial court analyzed the timeliness issue based upon the previous 180-day limitation period that had been increased to 365 days when R.C. 2953.21 was amended in March 2015 (yes, someone not keeping up with the changes in the law). Appellate court also concluded time period would only begin to run when all transcripts that were "objectively necessary for inclusion in the appellate record" were filed. Finally, trial court erred in finding that res judicata barred Appellant's ineffective assistance of counsel claim.

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

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Bennett*, 2019-Ohio-2213**

Ineffective assistance of counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2213.pdf

Defense counsel was ineffective where, after requesting competency and sanity evaluations and such evaluations being ordered by the trial court, the required hearing under R.C. 2945.37 was never held.

***State v. Crump*, 2019-Ohio-2219**

Sentencing; merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2219.pdf

Trial court erred by failing to merge the reckless homicide counts with certain of the child endangering counts which pertained to the reckless homicide counts, but not those child endangering counts related to defendant's subsequent conduct in failing to seek medical assistance.

Ninth Appellate District of Ohio

***State v. Owens*, 2019-Ohio-2206**

Self-representation

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-2206.pdf

Trial court erred by failing to properly advise defendant of the dangers of self-representation and waiver of counsel was not knowing, intelligent or voluntary; waiver of counsel occurred prior to defendant being indicted on two supplemental heroin charges – thus waiver did not contemplate those charges.

Tenth Appellate District of Ohio

***State v. Peoples*, 2019-Ohio-2141**

Postconviction relief

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-2141.pdf

Trial court erred in denying motion to vacate six-year term for drive-by specification, where relevant statute, R.C. 2929.146, mandated only a five-year term; case remanded solely for resentencing on the specification.

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.