Appellate Court Decisions - Week of 6/7/21

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

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Edwards*, 2021-Ohio-1917**

Allied offenses; trafficking and possession

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2021/2021-Ohio-1917.pdf

Trial court erred by failing to merge trafficking in a controlled substance and possession of that same substance; state concedes error. *State v. Cabrales*, 118 Ohio St.3d 54, 2008-Ohio-1625, 886 N.E.2d 181.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Jackson*, 2021-Ohio-1884**

Incompetency

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1884.pdf

After appellant was found incompetent to stand trial and unrestorable, trial court erred in denying appellant's motion to dismiss and discharge him. Trial court failed to make the requisite findings pursuant to R.C. 2945.39(A)(2) that appellant both committed the charged offense and was a mentally ill person subject to hospitalization. Therefore, the court did not retain jurisdiction over appellant, and indictment was dismissed.

***State v. Percy*, 2021-Ohio-1876**

Consecutive sentences; forfeiture

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1876.pdf

Trial court erred in imposing consecutive sentences where it failed to make the required findings pursuant to R.C. 2929.14(C)(4); court also erred in ordering the forfeiture of appellant's property consisting of a police badge and work identification card where that property was unrelated to the crimes for which he was convicted, and the state failed to comply with the criminal forfeiture provisions contained in R.C. 2981.04. There was no forfeiture specification attached to any of the charges; the forfeiture was not part of the plea agreement; and the state failed to provide appellant with notice of the forfeiture.

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.