Appellate Court Decisions - Week of 7/15/19

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

First Appellate District of Ohio

***State v. Kimble*, C-180182**

Suppression

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

In state's appeal, trial court did not err in granting appellee's motion to suppress the warrantless search because the community-caretaking exception did not apply.

***In re C.B.*, C-180054 &C-180055**

Competency

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

Summary from the First District: "In a case of first impression, we conclude that the deadlines for completing competency-attainment services found in R.C. 2152.59(D)(2)(a) may be extended by agreement of the parties, distinguishing In re J.F., 2017-Ohio-7675, 97 N.E.3d 999 (1st Dist.).

Second Appellate District of Ohio

***State v. Snowden*, 2019-Ohio-2840**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-2840.pdf

As trial court cannot reconsider its final sentencing entry, amended judgement entries are vacated as they did not just correct a clerical error but instead changed whether counts were to be served concurrently or consecutively; trial court also erred in determining appropriate jail time credit.

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. Whitaker*, 2019-Ohio-2823**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2823.pdf

Summary from the Eighth District: "The record reflects that, in sentencing Whitaker to consecutive maximum terms for his convictions of two third-degree felony offenses, the trial court explicitly relied on Whitaker's 'prior convictions,' when he had none [one had been dismissed, no record of how other two were resolved, and all were subsequent to the instant charges]. As such, we are constrained to find that Whitaker's sentence is not supported by the record and remand the matter to the trial court for resentencing."

***State v. Johnson*, 2019-Ohio-2913**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2913.pdf

The trial court erred in failing to merge as allied offenses the sentences for aggravated murder and felonious assault, as the victim's death resulted from the same conduct and same animus.

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.