Appellate Court Decisions - Week of 7/16/18

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

First Appellate District of Ohio

***State v. Harris*, 2018-Ohio-2850**

Sentencing

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-2850.pdf

Summary from the First District: "The trial court's R.C. 2929.14(C)(4) findings that consecutive prison terms were necessary to protect the public from future crime by the defendant and were not disproportionate to the seriousness of the defendant's conduct were sufficiently supported by the record, which showed that the defendant was out on bond when he committed four robberies and a felonious assault, his conduct demonstrated an escalating path of violence, he had a long record of juvenile adjudications, and he had a plethora of infractions while housed in the justice center. Because the sentencing entries do not reflect the sentences the trial court actually imposed upon the defendant at the sentencing hearing, the causes are remanded for the trial court to correct the defect by nunc pro tunc entries."

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

Nothing to report.

Seventh Appellate District of Ohio

***State v. Houston*, 2018-Ohio-2788**

Failure to Control: Affirmative Defense

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2018/2018-Ohio-2788.pdf

From the opinion: "Defendant-Appellant Jay H. Houston appeals the decision of the Noble County Court finding him guilty of failure to control in violation of R.C. 4511.202. Appellant contests the sufficiency and the weight of the evidence. He also contends the trial court erred in finding a deer running into the road is foreseeable and thus cannot constitute a sudden emergency for purposes of an affirmative defense. This court concludes a deer may constitute a sudden emergency; therefore, the trial court erred in ruling, as a matter of law, that a deer in the road cannot be a sudden emergency. As such, the judgment is reversed, and the case is remanded for further proceedings."

Eighth Appellate District of Ohio

***State v. Lugo*, 2018-Ohio-2842**

Sexual Predator Classification

Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-2842.pdf

Summary from the Eighth District: "As a result of the limited proceedings, the sexual predator classification is reversed and the matter remanded for the purpose of conducting a proper sexual offender classification hearing in accordance with *State v. Eppinger* and with full consideration of all factors enumerated in former R.C. 2950.09(B)(2)."

***Cleveland v. Oke*, 2018-Ohio-2846**

Double Jeopardy

Full Decision:

http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-2846.pdf

Summary from the Eighth District: "The Cleveland Municipal Drug Court's imposition of two successive sentences violated the prohibition against double jeopardy."

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.