Appellate Court Decisions - Week of 8/10/20

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

***State v. Lee*, 2020-Ohio-3987**

Right to counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2020/2020-Ohio-3987.pdf

Trial court committed structural error in determining that appellant's waiver of counsel was valid. Appellant conditioned his waiver upon a continuance, as appellant indicated he was unprepared to proceed with the trial "due to his inability to obtain discovery;" the trial court abused its discretion when it accepted the waiver contingent upon a continuance that was not granted.

Third Appellate District of Ohio

***State v. Reed*, 2020-Ohio-4020**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2020/2020-Ohio-4020.pdf

Trial court erred when it sentenced appellant to prison for one offense and imposed a consecutive misdemeanor jail sentence for another offense in violation of R.C. 2929.41(A); the misdemeanor theft conviction was not one of the offenses enumerated in R.C. 2929.41(B)(3) which would permit the trial judge to order such a consecutive sentence.

Fourth Appellate District of Ohio

***State v. Jordan*, 2020-Ohio-3928**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2020/2020-Ohio-3928.pdf

Trial court erred when it sentenced appellant to prison and issued a no-contact order, as such order is a community control sanction, and the trial court cannot impose both a prison term and a community control sanction for the same offense. *See State v. Anderson*, 143 Ohio St.3d 173, 2015-Ohio-2089.

Fifth Appellate District of Ohio

***State v. Bristow*, 2020-Ohio-3999**

Right to counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-3999.pdf

Appellant did not make a knowing, intelligent, and voluntary waiver of counsel where colloquy with trial court "[did] not sufficiently demonstrate [a]ppellant's decision to waive counsel was made with 'apprehension of the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all other facts essential to a broad understanding of the whole matter' as required by the United States Supreme Court. . . ."

***State v. Gates*, 2020-Ohio-4027**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4027.pdf

Trial court erred when it denied appellant's motion to suppress because the record does not support the trial court's factual findings; "the eyewitness's lay opinion as to what he or she feared [a]ppellant might do is insufficient to support the trial court's factual finding [a]ppellant appeared to be attempting to rob the store." Although appellant's action of openly carrying a rifle was unusual, it was not illegal.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohiopaypal

Nothing to report.

Eighth Appellate District of Ohio

***State v. Deuble*, 2020-Ohio-3970**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3970.pdf

Trial court erred when it denied appellant's motion to suppress because there was not probable cause to arrest him and police lacked an arrest warrant; without a valid arrest, any evidence obtained following this arrest, "including information on his cell phone and his confession, should have been suppressed."

***State v. Evans*, 2020-Ohio-3968**

Merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3968.pdf

Trial court erred when it failed to merge two theft offenses for various items taken by appellant from the same victim and for a receiving stolen property count and theft count for the same item; generally, a defendant can only be convicted and sentenced for one theft offense in connection with multiple items stolen from one victim at the same time. Court also erred in failing to merge the theft offense with the aggravated robbery offense for the same victim; in failing to merge a robbery offense with a theft offense from another victim; and in failing to merge an aggravated robbery offense with a theft offense from another victim.

***Cleveland v. Palmer*, 2020-Ohio-3975**

Jail-time credit

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-3975.pdf

Trial court erred when it denied appellant's motion for jail-time credit for the 75 days he spent in jail from his date of arrest to the date he was released on bond.

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.