Appellate Court Decisions - Week of 9/14/20

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

First Appellate District of Ohio

***In re: T.M.*, 2020-Ohio-4445**

Juvenile sex offender classification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2020/2020-Ohio-4445.pdf

Juvenile court committed error in classifying appellant as sex offender in one case where court had already adopted magistrate's decision declining to classify him; court also erred in classifying appellant in three other cases outside his presence. Case remanded to classify him in his presence.

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. Hawk*, 2020-Ohio-4385**

Sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4385.pdf

Trial court committed plain error and violated double jeopardy restrictions when it imposed an additional community control sanction of inpatient drug treatment after execution of sentence had commenced and without a community control violation; therefore, appellant's prison sentence for

violation of the invalid additional sanction is vacated.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State ex rel. Cornely v. McCall*, 2020-Ohio-4384**

Writ of procedendo

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-4384.pdf

Writ of procedendo is granted, compelling trial court to rule on relator's motion for stay of no contact order in underlying criminal case where relator was convicted of domestic violence; since App.R. 8 "explicitly provide[s] for and require[s] the trial court to rule on a motion for stay, then the trial court has jurisdiction to do so." Respondent trial judge's argument that she does not have jurisdiction to rule on the motion for stay is "ill-founded."

Ninth Appellate District of Ohio

***State v. Alexander*, 2020-Ohio-4364**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-4364.pdf

Guilty plea was invalid where trial court failed to orally inform appellant of the constitutional rights he was waiving as required by Crim.R. 11(C)(2)(c).

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

***State ex rel. Fraley v. Ohio Dept. of Rehab. & Corr.*, 2020-Ohio-4410**

Writ of mandamus; sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-4410.pdf

As a court speaks through its journal entries, "[w]hen a sentencing entry contains a legal error favoring a defendant, the state must appeal the error if the state wishes the error to be corrected." As the state did not appeal the legal error which caused a 3-year firearm specification to run concurrently, as opposed to consecutively to the underlying prison term, appellant's sentence is 10 years as stated in the sentencing entries, not 13 years. And "[the Department of Rehabilitation's] DRC's role is not to correct a sentencing court's errors and impose the sentence it believes the court should have imposed. To the contrary, DRC is obligated to execute the sentence imposed by the court." Writ granted, as "DRC has a clear legal duty to carry out the sentence that the trial court imposed. . . ."

And that is the way the OSC spanks the DRC.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.