Appellate Court Decisions - Week of 9/30/19

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

***State v. Ware*, 2019-Ohio-3885**

Suppression

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2019/2019-Ohio-3885.pdf

Denial of motion to suppress traffic stop was error where officer who made the stop admitted that appellant's turn was not governed by the ordinance for which he was cited.

***State v. Byers*, 2019-Ohio-3947**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2019/2019-Ohio-3947.pdf

Imposition of prison term on one count and community control on another count to be served consecutively was erroneous, following OSC case *State v. Hitchcock*, 2019-Ohio-3246.

Fifth Appellate District of Ohio

***State v. Mahon*, 2019-Ohio-3897**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-3897.pdf

Trial court erred in failing to merge the offenses of kidnapping and two counts of gross sexual imposition as allied where "there was a single victim, and the resulting harm from each offense was the same . . . the restraint was not prolonged, nor was there any secretive confinement or substantial movement."

Sixth Appellate District of Ohio

***State v. Lewis*, 2019-Ohio-3929**

Sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-3929.pdf

Trial court erred in sentencing appellant under new post-2016 version of R.C. 2941.146 rather than version in effect at time of commission of the offenses, felonious assault; two 5-year mandatory prison terms for two discharge specifications reduced to one 5-year term, as felonious assaults committed as part of the same act or transaction. However, two 3-year prison terms for firearm specifications must be run consecutively to each other and consecutively to term imposed for discharge specification. Sentence modified. Appellate court also vacated the portion of the sentence which ordered appellant to pay the costs of supervision, confinement, and assigned counsel.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Milton*, 2019-Ohio-3900**

Restitution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-3900.pdf

The trial court erred in failing to hold a hearing on restitution on those cases for which appellant disputed amount.

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.