

Appellate Court Decisions - Week of 12/13/21

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

State v. Kavanagh, 2021-Ohio-4368

Sentencing; consecutive

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2021/2021-Ohio-4368.pdf>

Trial court erred in ordering appellant's 30-month sentence to be served consecutively to a sentence not yet imposed in another case in another county. State v. White, 18 Ohio St.3d 340, 481 N.E.2d 596 (1985).

State v. Holbrook, 2021-Ohio-4362

Ineffective assistance of counsel

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2021/2021-Ohio-4362.pdf>

Trial counsel was ineffective for failing to file an affidavit of indigency to avoid the imposition of the mandatory fines for drug offense convictions. R.C. 2929.18(B)(1).

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. White, 2021-Ohio-4292

Sufficiency; aggravated menacing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2021/2021-Ohio-4292.pdf>

One of appellant's four convictions for aggravated menacing was not supported by sufficient evidence. One of the alleged victims did not testify nor was there circumstantial evidence to establish that person's subjective belief that appellant would cause him serious physical harm.

State v. Krankovich, 2021-Ohio-4297

Waiver of jury trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2021/2021-Ohio-4297.pdf>

Trial court erred in holding a bench trial despite the fact that appellant had filed timely written jury demands and never waived those demands. Case remanded for new trial, as appellant's constitutional right to a jury trial was denied. See Crim.R. 23(A) and R.C. 2945.05.

Eighth Appellate District of Ohio

State v. Jackson, 2021-Ohio-4320

Bond

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-4320.pdf>

Where appellant was charged with felonies of the second degree, trial court erred in revoking appellant's bond on its own motion without the state filing a motion to deny or revoke such bond and denying appellant's request for release. Pursuant to R.C. 2937.222, the state failed to present any evidence and failed to satisfy its burden of proof by clear and convincing evidence that 1) the proof is evident or the presumption great that the appellant committed the offenses with which he is charged; 2) appellant poses a substantial risk of serious physical

harm to any person or to the community; and 3) no release conditions will reasonably assure the safety of that person and the community.

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.