

## Appellate Court Decisions - Week of 1/10/22

*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

*Nothing to report.*

### Fifth Appellate District of Ohio

#### **State v. Mole, 2021-Ohio-4628**

Insufficient evidence; GSI

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2021/2021-Ohio-4628.pdf>

In conviction for two counts of gross sexual imposition, one count was not supported by sufficient evidence where the “record lack[ed] evidence of contact with any of the erogenous zones listed in R.C. 2907.05 and because the state did not offer evidence that would support finding another distinct body part was an erogenous zone. . . .”

#### **Halloran v. Martin, 2022-Ohio-3**

Writ of habeas; excessive bond

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2022/2022-Ohio-3.pdf>

Petition for Writ of Habeas Corpus is granted, as COA finds \$100,000 bail for one count of M1 DV, one count of M1 aggravated menacing, and one count of M4

DV is excessive. Appellant is indigent; he consented to a protection order; and he was subject to SCRAM monitoring. Bond reduced to \$10,000 at 10%.

### Sixth Appellate District of Ohio

*Nothing to report.*

### Seventh Appellate District of Ohio

#### **State v. Porter, 2021-Ohio-4630**

Postconviction petition

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2021/2021-Ohio-4630.pdf>

Trial court erred in denying appellant's postconviction petition without issuing findings of fact or conclusions of law; petition was timely filed when considering the COVID-19 tolling of certain statutory time limits, so court was required to make the findings and conclusions pursuant to R.C. 2953.21(A)(2)(a).

### Eighth Appellate District of Ohio

#### **In re E.S., 2021-Ohio-4606**

Juvenile bindover

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-4606.pdf>

In state's appeal, juvenile court did not err when it denied the state's motion to transfer jurisdiction of appellee to adult court; "the state failed to present sufficient credible evidence to establish probable cause that [appellee] committed involuntary manslaughter. . . the state presented evidence that a firearm with [appellee's] DNA on it (as well as four others) at some point discharged a bullet into the front driver-side door, but failed to provide sufficient credible evidence that it was this bullet that caused the death of [the victim]. Without sufficient credible evidence to establish that [the victim's] death was proximately caused by the firearm found in the vehicle with [appellee's] DNA on it, the state failed to meet its burden to establish probable cause that [appellee] committed involuntary manslaughter as a matter of law."

### 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**

### **State v. Clark, 2022-Ohio-46**

**Jail-time credit**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2022/2022-Ohio-46.pdf>**

**Trial court erred in failing to give appellant jail-time credit for the 46 days he served prior to his sentence of five years of community control, which included a six-month residential sanction in the local jail. R.C. 2949.08.**

## **Supreme Court of Ohio**

*Nothing to report.*

## **Sixth Circuit Court of Appeals**

*Nothing to report.*

## **Supreme Court of the United States**

*Nothing to report.*