

Appellate Court Decisions - Week of 1/24/22

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

State v. Ellis, 2022-Ohio-147

Bindover

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-147.pdf>

In conviction for murder and attempted murder, “the juvenile court abused its discretion in its bind-over decision by failing to consider reports favorable to [appellant] that had been submitted by a court-appointed expert and a guardian ad litem.” Case remanded to the juvenile court for an amenability determination that also considers the favorable reports.

State v. Jones, 2022-Ohio-149

Suppression; seizure of person

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-149.pdf>

In state’s appeal, trial court did not err in granting appellant’s motion to suppress the seizure of his person without any suspicion of criminal activity. “[A] police officer’s act of positioning the cruiser in a way that made it difficult, albeit not impossible, for [appellant] to drive away constituted a show of authority sufficient to cause a reasonable person in [appellant’s] position to believe he was not free to leave.”

State v. Curtiss, 2022-Ohio-146

Evidence

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-146.pdf>

In conviction for rape and gross sexual imposition of a child, trial court erred in

refusing to allow disclosure of records from children’s services of inconsistent statements and false accusations made by the mother of the victim. This information was material, should have been disclosed, and there was “a reasonable probability that the [trial’s] result would have been different.” Also, the trial court’s restriction of the defense’s cross-examination of the mother “was not based on sound reasoning.” Case remanded for a new trial.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

State v. Wright, 2021-Ohio-2692

Restitution

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2021/2021-Ohio-2692.pdf>

In state’s appeal, trial court did not err in dismissing the minor misdemeanor charge of failing “to initiate eviction proceedings against tenants occupying residential structures [appellant] owned that were the subject of the Village Council’s condemnation notice.” Court did not abuse its discretion when it determined that the Center for Disease Control’s Eviction Moratorium “prevented [appellant] from proceeding with eviction proceedings. . . [and in] declining to evaluate the exceptions to the Eviction Moratorium. . . .”

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

State v. Hamilton, 2022-Ohio-139

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2022/2022-Ohio-139.pdf>

Appellant’s no contest plea to aggravated vehicular assault was not knowingly, voluntarily, and intelligently made where the trial court failed to advise him that he could not be compelled to testify at trial. Crim.R. 11(C)(2)(c).

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Cleveland v. Bolger, 2022-Ohio-128

Sentencing; jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-128.pdf>

Trial court erred in failing to award appellant 20 days of jail-time credit for time he spent in medical isolation within the county jail; court also erred in placing appellant on community control after he had already served the maximum 60 days for a misdemeanor of the third degree for which he was convicted.

Olmstead Twp. v. Ritchie, 2022-Ohio-124

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-124.pdf>

Trial court sentenced appellant to 30 days in jail on each of four first-degree misdemeanor counts which appellant served and for which the trial court credited him 120 days served. Although appellant was still under community-control sanctions, “under R.C. 2929.25, there is no jail time hanging over him and no additional time remains available for sentencing for any potential violations.”

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Ralph, 2022-Ohio-167

State’s appeal of acquittal; Crim.R 29(A)

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2022/2022-Ohio-167.pdf>

State's notice of appeal and motion for leave to appeal following acquittal pursuant to Crim.R.29(A) is dismissed; "[s]ince this appeal is predicated upon the final verdict of acquittal in favor of appellee, which is not appealable by the state, [the COA] is without jurisdiction." Also, the appeal did not concern "a discrete legal issue when the question is capable of repetition,' but not misapplication of the law because that is tied to the specific facts of the case and would serve no proper purpose. Nothing in the court's entry before [the COA], nor in the state's motion, shows that the trial court misstated the law." Quoting *State v. ex rel. Ramirez-Ortiz v. Twelfth District Court of Appeals*, 151 Ohio St.3d 46, 2017-Ohio-7816, 85 N.E.3d 725.

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.