

Appellate Court Decisions - Week of 1/3/22

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

State v. Baldwin, 2021-Ohio-4566

Statute of limitations

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2021/2021-Ohio-4566.pdf>

In state's appeal, trial court did not err in granting appellant's motion to dismiss his misdemeanor offenses, as prosecution for such offenses did not commence within two years in accordance with R.C. 2901.13. There was no tolling events that would have extended the statute of limitations. All of appellant's misdemeanor offenses were completed more than two years before he was indicted even if tolled as a continuing course of conduct; the corpus delicti was discovered more than two years before indictment; and appellant never fled to avoid prosecution.

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

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

State v. Chirdon, 2021-Ohio-4598

Insufficient evidence; OVI

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-4598.pdf>

Bench conviction of OVI pursuant to R.C. 4511.19(A)(1)(a) was not supported by sufficient evidence. After calling the police to report a hit and run accident, police advised appellant to come to the police station. She arrived there later that day; she was cited for OVI under the impaired subsection despite blowing under the legal limit. Because the state failed to present any evidence that appellant drove to the police station, the conviction was reversed.

State v. Holler, 2021-Ohio-4599

Suppression; extension of traffic stop

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-4599.pdf>

Trial court erred in denying appellant's motion to suppress. Although the initial traffic stop was supported by reasonable suspicion, appellant's continued detention was not addressed by the trial court. Case remanded for trial court to consider those arguments.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Mason, 2021-Ohio-4571

Violent offender registration

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2021/2021-Ohio-4571.pdf>

Trial court erred in denying appellant's motion to excuse him from being listed on the violent offender registry because it mistakenly believed it did not have jurisdiction to hear such a motion.

Twelfth Appellate District of Ohio

State v. Longworth, 2021-Ohio-4538

Plea withdrawal; ineffective assistance

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2021/2021-Ohio-4538.pdf>

Trial court erred in denying appellant's motion to withdraw his guilty plea to attempted misdemeanor assault where his former attorneys provided ineffective assistance of counsel by advising him . The attorneys incorrectly advised him that he would not be subject to the federal firearms disability imposed by 18 U.S.C. 922(g)(9). Case remanded.

State v. Gross, 2021-Ohio-4546

Drug offense; experts

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2021/2021-Ohio-4546.pdf>

In state's appeal, trial court did not err in ordering the state of Ohio to weigh the "putative controlled substances" in front of appellant's expert witness pursuant to R.C. 2925.51(F).

Supreme Court of Ohio

Dubose v. McGuffey, 2022-Ohio-8

Writ of habeas; excessive bail

Full Decision:

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

“The sole purpose of bail is to ensure an accused person’s attendance in court— Under Crim.R. 46, public safety is not a consideration with respect to the financial conditions of bail.”

“[T]he court of appeals concluded that the bail amount was excessive because it did not take into consideration DuBose’s financial resources as required by Crim.R. 46(C)(4). De novo review was the proper standard of review for this question of law.”

Because the state had a procedure under R.C. 2937.222(B) for a defendant to be held without the possibility of release, “[i]n the present case, the court of appeals concluded that the state is trying to hold DuBose without bail without attempting to meet its burden of proof under the statute, which the court deemed ‘improper’ because “ ‘setting a high bail in order to keep someone accused of a crime incarcerated pretrial is both statutorily and constitutionally unlawful.’ ” 2021-Ohio-3815 at ¶ 18, 26, quoting *Mohamed [v. Eckelberry]*, 162 Ohio St.3d 583, 2020-Ohio-4585, 166 N.E.3d 1132] at ¶ 24 (Stewart, J., concurring).”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.