

Appellate Court Decisions - 2/22/22

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. Smith, 2022-Ohio-444

Sentencing; consecutive

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2022/2022-Ohio-444.pdf>

The trial court erred in imposing consecutive sentences where it failed to make “all of the findings required by R.C. 2929.14(C)(4) at the time it imposed consecutive sentences.”

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

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

State v. Bates, 2022-Ohio-475

Postrelease control

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2022/2022-Ohio-475.pdf>

In a case where the state sought to have the trial court amend a sentencing entry ten years after the sentencing to properly impose postrelease control and the court complied, that part of the amended sentencing entry imposing postrelease control was vacated. “A collateral attack on the trial court’s imposition of postrelease control in the sentence must be brought on direct appeal or it will be barred by res judicata. *Harper*, 160 Ohio St.3d 480, 2020-Ohio-2913, 159 N.E.3d 248, at ¶ 42; *Hudson*, 161 Ohio St.3d 166, 2020-Ohio-3849, 161 N.E.3d 608, at ¶ 17. This holding applies to the state as well as the defendant. *See Harper* at ¶ 43; *Hudson* at ¶ 18. Because res judicata precluded the collateral attack on [appellant’s] sentence, the trial court’s 2018 sentencing entry was improper and, therefore, of no effect.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.

