

Appellate Court Decisions - Week of 3/14/22

Note: This is not a comprehensive list of every case released this week.

First Appellate District of Ohio

In re: James Sullivan, C-210217

Forfeiture

Full Decision: (No web cite as of yet).

Trial court erred in denying appellant's motion to return his body camera that was seized when he was found in direct criminal contempt. Destroying appellant's property "was not commensurate with a conviction for direct criminal contempt." See *State v. Hammock*, 1st Dist. Hamilton No. C-200368, 2021-Ohio-3574.

In re: David Gipson, C-210218

Forfeiture

Full Decision: (No web cite as of yet).

Trial court erred in denying appellant's motion to return his cell phone and iPad that was seized when he was found in direct criminal contempt. Destroying appellant's property "was not commensurate with a conviction for direct criminal contempt." See *State v. Hammock*, 1st Dist. Hamilton No. C-200368, 2021-Ohio-3574.

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

Nothing to report.

Sixth Appellate District of Ohio

State v. Wagener, 2022-Ohio-724

Sentencing; community control conditions

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2022/2022-Ohio-724.pdf>

Trial court erred in imposing a condition of community control that appellant was absolutely banned from “creating or maintaining ‘any social media accounts.’ ” Condition vacated and case remanded for resentencing.

Seventh Appellate District of Ohio

State v. Sheridan, 2022-Ohio-679

Sentencing; community control violations

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2022/2022-Ohio-679.pdf>

Trial court erred in imposing a condition of community control that appellant was not permitted to have unsupervised contact with his daughter, who was the victim of appellant’s conviction for abduction. The condition “ (1) is reasonably related to rehabilitating the offender, (2) has some relationship to the crime of which the offender was convicted, and (3) relates to conduct which is criminal or reasonably related to future criminality and serves the statutory ends of probation[,]’ *State v. Jones*, 49 Ohio St.3d 51, 53, 550 N.E.2d 469 (1990),” but the sentencing entry provided no guidance as to who was to supervise the visitation. Case was remanded for clarification of the condition.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State ex rel. v. Joy, 2022-Ohio-664

Mandamus

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2022/2022-Ohio-664.pdf>

Magistrate erred in dismissing appellant/inmate’s petition for a writ of mandamus to recalculate his prison sentence where appellant did describe the nature of his prior civil action as “Petition for Writ of Habeas Corpus” which was sufficient to satisfy R.C. 2969.25(A).

State v. White, 2022-Ohio-665

Right to counsel

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2022/2022-Ohio-665.pdf>

Trial court erred in imposing the suspended jail sentence for a community control violation where appellant was unrepresented at the revocation hearing. “[A]ppellant was never advised of his right to assistance of counsel and was not asked whether he wished to waive that right.” Case remanded for a new revocation hearing.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

State v. Maddox, 2022-Ohio-764

Reagan Tokes; ripeness

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2022/2022-Ohio-764.pdf>

“A criminal defendant’s challenge to the constitutionality of R.C. 2967.271 [Reagan Tokes Law] is ripe for review on the defendant’s direct appeal of his or her conviction and prison sentence.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.