Appellate Court Decisions - Week of 4/4/22

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

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Suber*, 2022-Ohio-938**

Sentencing; PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-938.pdf

In state's appeal after conviction and sentence for burglary, a felony of the second degree (COA's decision mistakenly says a felony of the third degree), trial

court erred in sentencing appellant to a definite three-year term of PRC because under amended R.C. 2967.28, effective September 30, 2021, an offender who is convicted of a second-degree felony is subject to a discretionary period of PRC of up to three years, but not less than eighteen months. Case remanded to trial court for resentencing of PRC.

Ninth Appellate District of Ohio

***State v. Swazey*, 2022-Ohio-993**

Sentencing; PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2022/2022-Ohio-993.pdf

In convictions for nonsupport of dependents, trial court erred in denying appellant's motion to dismiss without considering the merits of that motion. Appellant's argument that R.C. 2919.21(B) was unconstitutional as applied to him because his support order had terminated was the type of motion that could be determined before trial in a motion to dismiss. And fact that appellant pled guilty does not bar his challenge because the constitutionality of a statute as applied to appellant "is precisely the type of challenge for which the Ohio Supreme Court has carved out an exception."

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.