

Appellate Court Decisions – Partial Week of 5/9/22

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. Hervey, 2022-Ohio-1498

Consecutive sentences

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-1498.pdf>

Trial court erred in imposing consecutive sentences without making “the complete proportionality finding required. . . .”

State v. Martin, 2022-Ohio-1494

Motion for leave to file a motion for new trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-1494.pdf>

Trial court erred when it denied appellant’s motion for leave to file a motion for new trial based on newly discovered evidence. Based on the OSC’s recent decision in *State v. Bethel*, Slip Opinion 2022-Ohio-783, the COA found Crim.R. 33(B) and 57(B) “do not authorize or support the ‘creation of a reasonable-time filing requirement’ under Crim.R. 33(B). *Id.* at ¶ 55.” Crim.R. 33(B) only requires that appellant demonstrate he was “‘unavoidably prevented from the discovery of the evidence upon which he must rely.’” *State v. Bethel*, Slip Opinion No. 2022-Ohio-783, ¶ 53. And as appellant “submitted evidence that on its face showed he was unavoidably prevented from discovering and presenting the evidence sooner, he was entitled to a hearing on his motion for leave.”

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. Crawford, 2022-Ohio-1509

Involuntary manslaughter; predicate offense

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2022/2022-Ohio-1509.pdf>

“The involuntary-manslaughter statute is satisfied when a person causes the death of another as the proximate result of the commission of a felony

offense. When the predicate offense is having a weapon while under disability, there is no requirement that the underlying reason for the disability be causally related to the victim's death."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.