

Appellate Court Decisions –Week of 5/30/22

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

State v. Windsor, 2022-Ohio-1785

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-1785.pdf>

Trial court erred in failing “to specify the total number of days of jail-time credit that [appellant] earned as of the date of his sentencing hearing.” Case remanded.

State v. Hodge, 2022-Ohio-1780

Self-defense; allied offenses

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-1780.pdf>

In convictions for felonious assault and DV where defense counsel requested a jury instruction on self-defense, trial court abused its discretion when it refused to give such an instruction. “The trial court’s failure to include a jury instruction on self-defense prevented the jury from considering [appellant’s] affirmative defense and relieved the State of its burden to prove beyond a reasonable doubt that [appellant] did not use the force in self-defense.” COA also found that the trial court committed plain error when it failed to merge the felonious assault and DV convictions as allied offenses. Convictions reversed, and case remanded.

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. Gates, 2022-Ohio-1666

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-1666.pdf>

In convictions for two felonies and one misdemeanor, trial court erred in failing to “actually calculate and apply jail-time credit. . . [a] jail sentence of ‘time served’ [for the misdemeanor] does not obviate a trial court’s duty to calculate jail-time credit where prison sentences are also imposed. R.C. 2929.19(B)(2)(g)(i) gives clear direction to a court to calculate jail-time credit any time a prison sentence is imposed.”

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

State v. Hart, 2022-Ohio-1706

Record sealing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2022/2022-Ohio-1706.pdf>

Trial court erred by denying appellant’s application to seal his fourth degree conviction for safecracking and fifth degree felony for B&E. Trial court utilized “a version of R.C. 2953.31(A)(1) that was no longer in effect at the time of [appellant’s] application to seal the record of his convictions and further erred in determining [appellant] was not an eligible offender under R.C. 2953.31(A)(1).” As appellant’s felony convictions were for fourth or fifth degree felonies, with several misdemeanor convictions, none of which were sex offenses or offenses of violence, appellant was an eligible offender.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.