Appellate Court Decisions –Week of 8/15/22

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

First Appellate District of Ohio

***State v. Bella*, C-210581**

Merger

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

Trial court erred when it failed to merge the convictions for sexual battery where the same conduct of appellant in raping the victim while she was unconscious was the basis of both counts.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Sanchez*, 2022-Ohio-2721**

Pleas

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2022/2022-Ohio-2721.pdf

Appellant's no contest plea "must be vacated because the trial court completely failed to comply with Crim.R. 11(C)(2)(b) and (B)(2)." Trial court failed to advise appellant that the no contest pleas could not be used against him in any future civil or criminal proceedings; and it failed to advise appellant that the plea was an admission of the truth of the facts in the indictment. At "no time during the plea proceeding did the trial court address the [a]ppellant and inform him of either of the aforementioned effects of the plea he was entering."

Fourth Appellate District of Ohio

***State v. Sanchez*, 2022-Ohio-2748**

Pleas

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2022/2022-Ohio-2748.pdf

Trial court erred when it sentenced appellant to a 17-minth prison sentence for a failure to appear count that had been dismissed. Case also remanded for trial court to accurately calculate jail-time credit.

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

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. Stutler*, 2022-Ohio-2792**

NGRI

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2022/2022-Ohio-2792.pdf

"*Burden of proof—Changes to commitment conditions following finding of not guilty by reason of insanity—Under the plain language of R.C. 2945.401, unless the state proves by clear and convincing evidence that the recommended [level] change would result in a threat to public safety or any person, the trial court does not have discretion to deny the requested change.*"

***State v. Stutler*, 2022-Ohio-2832**

Preemption by federal law

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2022/2022-Ohio-2832.pdf

R.C. 5589.21 provides for criminal penalties should a stopped train block a railroad crossing for more than five minutes. However, that statute is preempted by the federal Termination Act which was "created [by] the Surface Transportation Board and grants the board exclusive jurisdiction over 'transportation by rail carriers.' 49 U.S.C. 10501. The Termination Act provides the exclusive remedies with respect to operating rules, practices, routes, services, and facilities of rail carriers and expressly preempts other federal and state laws in conflict with it. 49 U.S.C. 10501(b). Because R.C. 5589.21 regulates, manages, and governs rail traffic in this state by prescribing how long a train may stay stopped while blocking a crossing, it conflicts with and is expressly preempted by the Termination Act."

***State v. G.K.*, 2022-Ohio-2858**

Record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2022/2022-Ohio-2858.pdf

"*Under the plain language of the statutes governing the sealing of court records in criminal cases, records of dismissed counts in an indictment may not be sealed until records of counts in the indictment for which the offender was convicted are eligible to be sealed—A court does not have inherent authority to seal records when the legislature has enacted specific legislation governing the sealing of the records at issue.*" See R.C. 2953.52.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.