

Appellate Court Decisions – Week of 10/3/22

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. Bocoock, 2022-Ohio-3344

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-3344.pdf>

In conviction for RSP and WUD, trial court erred in imposing a sentence of 36 months; trial court “implicitly promised [appellant] that he was going to receive community control sanctions,” thus inducing appellant to plead guilty. Case remanded for trial court to either sentence appellant to community control or allow him to withdraw his guilty plea.

State v. Ford-Delay, 2022-Ohio-3346

Sufficiency; possession drug abuse instrument

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2022/2022-Ohio-3346.pdf>

Where the hypodermic needle found in appellant’s purse was unused, there was insufficient evidence for conviction of possession of drug abuse instrument; statute requires that needles be used, and drug residue must be found on needles. Conviction vacated and appellant discharged.

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. Harper, 2022-Ohio-3329

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2022/2022-Ohio-3329.pdf>

Trial court erred in awarding appellant 687 days of jail-time credit when he was entitled to 714 days; case remanded for nunc pro tunc entry correcting the error.

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.