

Appellate Court Decisions –Week of 3/20/23

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

First Appellate District of Ohio

State v. Bishop, C-220231

No-contact order

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

Trial court erred in imposing a no-contact order in addition to appellant’s prison sentence. No-contact order vacated. See *State v. Anderson*, 143 Ohio St.3d 173, 2015-Ohio-2089, 35 N.E.3d 512.

In re L.P., C-220396

Juvenile record sealing/expungement

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

Trial court erred in denying appellant’s “request to seal and expunge his adjudication as an unruly child * * * [u]nder R.C. 2152.356(B)(1)(e), the juvenile court ‘shall promptly order the immediate sealing of records’ when ‘a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.’” Therefore, it was mandatory for the court to seal the adjudication. And since R.C. 2151.358(A) requires that sealed records should be expunged upon the person’s 23rd birthday or 5 years after the court issues a sealing order, whichever comes first, the unruly child adjudication should also be expunged.

Second Appellate District of Ohio

State v. Works, 2023-Ohio-861

Community control revocation

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2023/2023-Ohio-861.pdf>

Trial court abused its discretion in revoking appellant’s community control for violations. Being charged with a crime, without more, is not sufficient

to demonstrate that appellant was in violation of Rule #1 of his community control which stated that he “shall refrain from violation of any law.” State failed to present “substantial evidence to demonstrate that [appellant] had violated the law to serve as a basis for revoking [his] community control sanctions.”

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. Rodriguez, 2023-Ohio-805

Sentencing; mandatory

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-805.pdf>

In convictions for kidnapping, with specifications, impersonating an officer, and WUD, trial court erred in advising appellant that his prison term for impersonating an officer was mandatory and that he was ineligible for judicial release or earned days of credit.

State v. Mullins, 2023-Ohio-803

Guilty plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-803.pdf>

Appellant's guilty plea to felony OVI was not knowingly, intelligently, and voluntarily made where "he was misinformed of the nature of the charges and maximum penalty involved."

State v. Jeffrey, 2023-Ohio-817

Sentencing; allied offenses

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-817.pdf>

In two convictions for abduction, trial court erred in sentencing appellant to concurrent prison terms after determining that the two offenses were allied and should merge. *State v. Williams*, 148 Ohio St.3d 403, 2016-Ohio-7658, 71 N.E.3d 234.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Hall, 2023-Ohio-837

Self-defense

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2023/2023-Ohio-837.pdf>

In conviction for aggravated murder with a firearm specification, trial court erred in failing to give a jury instruction on self-defense. Appellant met his burden of production that he acted in self-defense. He was not at fault in creating the situation which resulted in the alleged victim's death nor "in escalating the otherwise hand-to-hand confrontation into a gunfight;" appellant "had an honest belief that he faced imminent grave danger, and that he used only that force necessary to protect himself;" and since appellant was in his home, he had no duty to retreat. Conviction reversed and case remanded for a new trial.

Eleventh Appellate District of Ohio

State v. Jackson, 2023-Ohio-762

Pleas - blanket policy

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-762.pdf>

After appellant expressed his desire to withdraw his guilty plea, “trial court abused its discretion when it established (and expressed its intention to use) a ‘blanket policy’ against accepting more than one plea, rendering his guilty plea involuntary.” Appellant had requested to withdraw his guilty plea, but withdrew that request after the trial court explained this blanket policy which “constituted a threat that infected [a]ppellant’s decision to not withdraw his guilty plea and renders his guilty plea involuntary.”

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.