

Appellate Court Decisions –Week of 3/27/23

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

State v. Crose, 2023-Ohio-880

Sentencing; consecutive

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2023/2023-Ohio-880.pdf>

In community-control violation, trial court erred when it imposed a sentence on appellant to be served consecutively to a sentence in another county; at the original sentencing hearing, trial court did not inform appellant that any sentence for a violation would be served consecutively to the sentence in the other county. *State v. Jones*, Slip Opinion 2022-Ohio-4485.

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

Rocky River v. Alaref, 2023-Ohio-924

Sentencing; Community control conditions

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-924.pdf>

In conviction for DC M4, trial court erred in imposing certain community-control sanctions which were not proper and not related to the crime of which appellant was convicted. The imposition of a requirement that appellant abstain from drugs and alcohol and be subject to random screens at his expense was improper where “nothing in the record indicates that drugs or alcohol were involved when [appellant] committed the offense of persisting in disorderly conduct.” The condition that he assist his wife with her asylum application is also not related to his conviction for DC. And the order to continue to support his family was an improper award of restitution, as restitution cannot be ongoing, but must be a set amount.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Gordon, 2023-Ohio-887

Sentencing; consecutive

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-887.pdf>

In resentencing for trial court to make the necessary findings for consecutive sentences, court did make adequate findings at the resentencing hearing, but failed to incorporate those into the sentencing entry. Case remanded again to issue a nunc pro tunc entry.

Twelfth Appellate District of Ohio

State v. King, 2023-Ohio-875

Sufficiency - failure to appear

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2023/2023-Ohio-875.pdf>

Conviction for failure to appear was not supported by sufficient evidence because the state failed to inform appellant of the date and time of the trial for burglary. Conviction vacated and appellant discharged for that charge.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.