Appellate Court Decisions –Week of 5/15/23

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

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. Bolden*, 2023-Ohio-1476**

Sufficiency; violating a protection order

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-1476.pdf

In convictions for two counts of violating a protection order, those convictions were not supported by sufficient evidence where the state failed

to prove that the protection order was actually served on appellant or that he was shown the protection order or informed the order had been issued.

***State v. McQuade*, 2023-Ohio-1483**

Sentencing; community control

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-1483.pdf

Trial court erred in imposing community control conditions which related to drugs and alcohol, as appellant had no history of drug or alcohol abuse; and there was no nexus between the convictions for attempted violation of an anti-stalking protection order and telecommunications harassment and drug or alcohol use. Conditions vacated.

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. Beasley*, 2023-Ohio-1521**

Sentencing; merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2023/2023-Ohio-1521.pdf

In convictions for aggravated murder and conspiracy to commit aggravated murder, trial court erred in failing to merge the sentences the offenses. "Pursuant to R.C. 2923.01(G), '[w]hen a person is convicted of committing * * * a specific offense * * * the person shall not be convicted of conspiracy involving the same offense.' In other words, 'R.C. 2923.01(G) merges the conspiracy offense, due to its inchoate nature, into the substantive offenses

which are the object of the conspiracy.' *State v. Marian*, 62 Ohio St.2d 250, 255 (1980); *State v. Jones*, 6th Dist. Sandusky No. S-18-013, 2019-Ohio-301, ¶ 195."

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.