

Appellate Court Decisions –Week of 5/30/23

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. Wells, 2023-Ohio-1666

Ineffective assistance of counsel/involuntary plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-1666.pdf>

In conviction for aggravated disorderly conduct, substitute counsel who was covering for appellant's retained counsel was ineffective for being unprepared to proceed with the trial, as she had not reviewed the case, had

not consulted with appellant, and was not given the opportunity to review evidence presented by City on the day of trial. Because of this ineffective representation, trial court should not have refused to grant a continuance. Appellant “was faced with the decision to either proceed immediately to trial with counsel who was not prepared to try the case or to plead guilty.” Therefore, her guilty plea was not knowing, intelligent, or voluntary.

Ninth Appellate District of Ohio

State v. Dardie, 2023-Ohio-1656

Verdict form

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2023/2023-Ohio-1656.pdf>

In conviction for failure to comply pursuant to R.C. 29212.331, “under the Ohio Supreme Court’s precedent in *State v. McDonald*, 137 Ohio St.3d 517, 2013-Ohio-5042, in order to elevate the charge of failure to comply [with an order or signal from a police officer] from a misdemeanor to a felony, the verdict form was required to either refer to or include the language of R.C. 2921.331(B), or set forth the degree of the offense.” Therefore, “the verdict form used for the charge * * * did not support a felony conviction * * *.” Case remanded for trial court to change conviction from a felony of the third degree to a first-degree misdemeanor.

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.