

Appellate Court Decisions –Week of 7/10/23

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. Tupps, 2023-Ohio-2097

Sentencing; Reagan Tokes

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2023/2023-Ohio-2097.pdf>

In conviction for rape, trial court erred in failing to provide appellant “with all of the notifications required by R.C. 2929.19(B)(2)(c)” at his sentencing hearing. Case remanded for resentencing.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Coffman, 2023-Ohio-2104

Sentencing; community control

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2023/2023-Ohio-2104.pdf>

In state’s appeal, trial court did not err in sentencing appellant to non-reporting community control for felony of the fifth degree drug offense where the sentence was not contrary to law, despite the fact that the trial court stated it had a blanket policy of not sending people to prison for drug possession offenses.

State v. Nickelson, 2023-Ohio-2105

Sentencing; community control

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2023/2023-Ohio-2105.pdf>

In state's appeal, trial court did not err in sentencing appellant to community control for felony of the third degree drug offense with a reserved nine-month prison term where the sentence was not contrary to law, despite the fact that the trial court stated it had a blanket policy of not sending people to prison for drug possession offenses.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Taugner, 2023-Ohio-2117

Sentencing; Reagan Tokes/retroactivity

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-2117.pdf>

In conviction for rape, trial court committed plain error in sentencing appellant “to an indefinite term of imprisonment pursuant to the Reagan Tokes Act. Since his offense was committed before the effective date of the Act, March 22, 2019, he should have been sentenced to a definite term of imprisonment.” Appellant’s sentence was vacated and remanded for resentencing.

State v. Olah, 2023-Ohio-2112
State v. Olah, 2023-Ohio-2113

Sufficiency; involuntary manslaughter and child endangering

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-2112.pdf>

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-2113.pdf>

In conviction for involuntary manslaughter and child endangering for mother co-defendant and child endangering for daughter co-defendant, the state failed to provide sufficient evidence that either defendant acted “recklessly * * * with ‘heedless indifference’ * * * [h]ere, the evidence was clear that the events of that fateful night occurred in the blink of an eye, were isolated, were not part of a pattern of conduct, and were completely out of the ordinary sequence of events, rather than a reflection of [defendants’] heedless indifference to the consequences of [their] actions.” Convictions vacated and appellants discharged.”

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

State v. Stalder, 2023-Ohio-2359

Jury selection; gender

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2023/2023-Ohio-2359.pdf>

“Purposeful gender discrimination—Jury selection—Peremptory challenges—When a party objects to a peremptory challenge during jury selection and offers a bare allegation of gender discrimination without offering any other relevant facts and circumstances to support an

inference of gender discrimination, that party fails to establish a prima facie case of purposeful gender discrimination—Judgment reversed and cause remanded.”

Strong dissent by Donnelly, joined by Stewart and Brunner, in which he believes “the majority’s decision today is a retreat to the status of the law before *Batson*.”

“The majority rightly recognizes that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits purposeful discrimination in the form of exercising a peremptory challenge on a prospective juror based on his or her race or gender. The majority also acknowledges that the trial court erred as a matter of law in failing to understand this well-established principle of law. Where I part ways with the majority is with its dilution of Fourteenth Amendment protections and its prescription of a solution to a problem that did not take place.”

Sixth Circuit Court of Appeals

Nothing to report

Supreme Court of the United States

Nothing to report