

Appellate Court Decisions –Week of 9/11/23

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

First Appellate District of Ohio

State/City v. G.H., C-230013 & C-230014

Record sealing

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

Trial court abused its discretion in denying appellant’s applications to seal the records of his 2016 conviction for M1 assault and a 2017 conviction for M1 violation of a protection order, despite granting his application to seal a 1999 misdemeanor conviction for drug possession. Trial court’s denial was based upon “improper grounds.” Appellant was an eligible offender; the county prosecutor had no objection to the sealing; the city prosecutor objected but provided no grounds for the objection; and the court based its denial in large part to the nature of the offenses for which appellant had been convicted. The COA stated that it had “previously held that ‘the nature of the offense cannot provide the sole basis to deny an application to seal records.’ *R.S.*, 1st Dist. Hamilton Nos. C-210169, C-210170, C-210171, C-210172, and C-210173, 2022-Ohio-1108, at ¶ 29, quoting *State v. M.H.*, 8th Dist. Cuyahoga No. 105589, 2018-Ohio-582, ¶ 16. The legislature has already made that determination in setting forth which offenses are eligible to be sealed and which are not. *See M.H.* at ¶ 19 (acknowledging that if public interest in knowing who had committed certain offenses were ‘paramount’ to all other interests, the legislature would have exempted those offenses from sealing). Furthermore, the legislature has already decided that people are permitted to seal the records of a certain number of offenses, including certain offenses of violence. Former R.C. 2953.36(A)(4) and 2953.31(A). While a court may not agree with the legislature on this issue, a court cannot deny an application to seal based solely on the nature or number of offenses, if the records of those offenses are eligible for sealing under the law.” The trial court also “found that the government’s interest in maintaining the records of [appellant’s] convictions outweighs [appellant’s] interest in sealing the records. Again, this finding was based on the nature and number of the offenses. The state and the city presented no argument as to what governmental interest is served by denying [appellant’s] applications. Judgment reversed and case remanded.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

State v. Baker, 2023-Ohio-2747

Guilty plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2023/2023-Ohio-2813.pdf>

After appellant pled guilty to failure to comply and tampering with evidence, the trial court imposed consecutive sentences for each count, plus it imposed an additional 859 days in prison for his postrelease-control violations. However, COA found that appellant's guilty pleas were not knowing, intelligent, or voluntary where the "trial court failed to inform him that it could terminate his postrelease control and convert it to additional prison time." Pleas vacated and case remanded.

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. Walton, 2023-Ohio-2879

Withdrawal of guilty plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2023/2023-Ohio-2879.pdf>

Trial court erred in denying appellant's motion to withdraw his guilty plea

without considering the merits of the motion based on the trial court believing it did not have jurisdiction. The court did have jurisdiction. See *State v. Davis*, 131 Ohio St.3d 1, 2011-Ohio-5028, 959 N.E.2d 516 and *State ex rel. Davis v. Janas*, 160 Ohio St.3d 187, 2020-Ohio-1462, 155 N.E.3d 822.

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

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.