Appellate Court Decisions –Week of 11/20/23

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

First Appellate District of Ohio

***In re: S.S.*, C-230075**

Juvenile expungement/restitution issue

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

Juvenile court erred when it denied appellant's application to seal and expunge his juvenile record "solely due to unpaid restitution arising from the underlying adjudication. However, because a juvenile court lacks jurisdiction to enforce unpaid juvenile restitution orders after the person turns 21, unpaid restitution is only probative of that person's rehabilitation up until the age of 21. *In re I.J.*, 1st Dist. Hamilton No. C-220553, 2023-Ohio-2024, ¶ 14-15."

Second Appellate District of Ohio

***State v. Dennis*, 2023-Ohio-3815**

Extradition costs

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2023/2023-Ohio-3815.pdf

Trial court erred in imposing the costs of extradition without determining if appellant was indigent or had the ability to pay. State concedes error. Case remanded.

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

***State v. Moore*, 2023-Ohio-3831**

Sentencing; consecutive and RVO specifications

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2023/2023-Ohio-3831.pdf

Trial court erred in imposing consecutive sentences and in finding appellant to be a repeat violent offender without making the requisite sentencing and RVO findings at the sentencing hearing or in the sentencing entry. Case remanded for a new sentencing hearing.

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. Stone*, 2023-Ohio-3842**

Sentencing; consecutive and RVO specifications

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2023/2023-Ohio-3842.pdf

Although there was sufficient evidence to support appellant's M-4 disorderly conduct conviction in one case, the state failed to present sufficient evidence to support appellant's conviction for MM disorderly conduct while intoxicated. Although appellant appeared impaired, "[t]here

[was] no evidence that [he] engaged in affirmative behavior demonstrating that he presented a risk of physical harm to himself or another.

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.