Appellate Court Decisions –Week of 4/1/24

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

First Appellate District of Ohio

***State v. Hammonds*, C-220315**
***State v. Hammonds*, C-220344 & C-230262**

Evidentiary ruling

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

In convictions for, inter alia, rape of one appellant's children and one appellant's nieces and nephews, trial court erred in denying appellants' motions for access to the Hamilton County Job and Family Services records concerning the children. Such records would have allowed appellants to impeach the state's witnesses and would have been instrumental to the appellants' defense in challenging the credibility of those witnesses, as they were "replete with statements from the victims and other family members that undermine the credibility of the state's witnesses. The records also bolster K.H.'s credibility and her assertion that the children were manipulated into fabricating these accusations against [both appellants]." Convictions vacated and cases remanded for new trials.

***In re L.B.*, C-230375**

Expungement

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

Juvenile court erred in denying appellant's 20th application for sealing and expungement after granting the first 19 applications. The juvenile court's reliance on appellant's failure to pay restitution was error; the COA "has held that a juvenile's failure to pay restitution is probative only of that person at 21 years of age and may not be used as a proxy for deciding whether an applicant is presently rehabilitated * * *."

***State v. McClanahan*, C-230234 & C-230343**

Contempt

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

Trial court erred in convicting appellant for five counts of direct contempt where "the record reveals only one contemptuous act." Four contempt convictions reversed, and appellant discharged as to those convictions. One contempt conviction affirmed.

***State v. Wilson*, C-230447**

Agreed guilty plea and sentence

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

In convictions for involuntary manslaughter and felonious assault, trial court erred in completely failing to inform appellant "of the maximum sentence that could be imposed prior to accepting his pleas." Crim.R. 11. Convictions vacated, as plea was not made knowingly, intelligently, nor voluntarily.

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

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. Strull*, 2024-Ohio-1118**

Right to testify

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-1118.pdf

In convictions for OVI and a traffic control light violation after a jury trial where the appellant appeared pro se, trial court erred when it refused to allow him to testify, "effectively barring him from presenting his case * * *." Convictions reversed, and case remanded.

***State v. Malorni*, 2024-Ohio-1122**

Guilty plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-1122.pdf

In convictions for involuntary manslaughter, corrupting another with drugs, and drug trafficking, appellant's guilty plea was not entered knowingly, intelligently, nor voluntarily where the trial court repeatedly misinformed appellant that she would be eligible for judicial release in six months. Plea vacated, and case remanded.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Carter*, 2024-Ohio-1247**

Confrontation Clause

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2024/2024-Ohio-1247.pdf

Sixth Amendment—Right to face-to-face confrontation—Harmless error—Trial court erred in allowing witness to testify by video at trial without making sufficient case-specific findings of necessity, in violation of defendant's right to face-to-face confrontation under Confrontation Clause of Sixth Amendment to United States Constitution—In light of other evidence presented against defendant at trial, confrontation error was harmless.

What is interesting about this case is the concurrence written by Fischer, and joined by Donnelly and Deters which is basically an invitation for litigants to argue that the Confrontation Clause of the Ohio Constitution provides greater protection than the Confrontation Clause of the United States Constitution:

"In the future, parties should not hesitate to raise and vigorously argue claims under the Ohio Constitution, especially if this court has not analyzed the relevant constitutional provision in light of its plain text, history, and tradition. Likewise, this court should not shirk its responsibility as the final arbiter of Ohio law, including the Ohio Constitution."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.