Appellate Court Decisions –Week of 4/8/24

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

***State v. Smith*, 2024-Ohio-1133**

Withdrawal of guilty plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2024/2024-Ohio-1133.pdf

In conviction for WUD, trial court erred in denying appellant's motion to withdraw his guilty plea where court failed to inform him "that pursuant to R.C. []2929.141(A)(1) a sentence for a post-release control violation must be served consecutively to the sentence imposed for the new conviction. Therefore, appellant's plea was not entered knowingly, intelligently, nor voluntarily. Plea vacated, and case remanded.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Foster*, 2024-Ohio-1160**

Consecutive sentences/Reagan Tokes/Sierah's Law

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-1160.pdf

Trial court erred in sentencing appellant to consecutive sentences without making all the requisite findings pursuant to R.C. 2929.14(C)(4) at the sentencing hearing or in the sentencing entry. Court also failed to advise appellant he would be subject to the Violent Offender Database pursuant to Sierah's Law (R.C. 2903.41 - 2903.44); and sua sponte, COA finds that appellant was not sentenced in accordance with the requirements of the Reagan Tokes Law. Case remanded for resentencing.

***State v. Kronenberg*, 2024-Ohio-1159**

Reopening appeal/ineffective appellate counsel/merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-1159.pdf

In convictions for three counts of violating a protection order, one count of menacing by stalking, and one count of telecommunication harassment, appellant's application to reopen her appeal pursuant to App.R. 26(B) granted where appellant "raises a colorable claim or genuine issue as to whether she was deprived of the effective assistance of appellate for failure to properly raise merger of allied offenses."

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. R.L.W.*, 2024-Ohio-1249**

Record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2024/2024-Ohio-

1249.pdf

Trial court erred in denying appellant's application to seal the record of the dismissal of a charge of aggravated robbery. The municipal court judge erroneously concluded that it was not the appropriate venue when, in fact, the dismissal of the robbery complaint was entered in the municipal court. Case remanded for court to consider the state's objections.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***In re Disqualification of Ruehlman*, 2024-Ohio-1306**

Affidavit of disqualification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2024/2024-Ohio-1306.pdf

Affidavit granted as to* Jackson v. Ward *to avoid appearance of impropriety.

Because an objective observer would reasonably conclude that the judge has already determined that Ward would be guilty of direct contempt for which jail time is the appropriate punishment—regardless of the evidence adduced at a potential contempt hearing—Judge Ruehlman is disqualified from presiding over *Jackson v. Ward* to allay any concerns about the fairness and integrity of the proceedings and to assure the parties and the public of the unquestioned neutrality of the trial judge.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.