Appellate Court Decisions –Week of 6/3/24

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

First Appellate District of Ohio

***State v. Hammock*, C-230548 & 549**

Sufficiency; criminal trespass

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

There was insufficient evidence presented to support appellant's conviction for criminal trespass as such evidence demonstrated that she was the owner of the home in which she allegedly trespassed. Conviction vacated, and appellant discharged. However, sufficient evidence supported her conviction for OOB.

***State v. Stewart*, C-240255**

Jurisdiction; final appealable order

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

Court of Appeals "abandon[s] the line-item approach previously followed by this court in determining whether a judge's sheet constitutes a final appealable order if one dated entry contains the sentence and a separate dated entry contains the finding of guilt. In its place, [Court] adopt[s] a more workable and pragmatic rule that affirms the municipal court judge's sheets are a single legal document for purposes of Crim.R. 32(C) and *Baker*, while continuing to encourage the best practice of recording in a single dated entry all the information required to create a final appealable order." Previous decisions by the COA which dismissed appeals on the grounds that the judge's sheet with the fact of conviction and sentence on two separate dates was not a final appealable order overruled.

***State v. Smith*, C-230415 & 416**

Venue

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

In convictions for OVI and using weapons while intoxicated, state did not present sufficient evidence to establish venue in Hamilton County. Convictions vacated, and appellant discharged.

Second Appellate District of Ohio

***State v. Litteral*, 2024-Ohio-2092**

Jail-time credit

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2024/2024-Ohio-2092.pdf

Trial court plainly erred in denying appellant's postconviction motions to correct her jail-time credit. She was entitled to 195 days of credit in one case and 56 days of credit in the second case. Case remanded for trial court to issue nunc pro tunc sentencing entries with proper jail-time credit.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Hollie*, 2024-Ohio-2096**

Driver's license suspension

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2024/2024-Ohio-2096.pdf

Trial court erred in imposing two driver's license suspensions consecutively. In R.C. 2925.11(E), "[t]here is no provision for consecutive license suspensions."

Sixth Appellate District of Ohio

***State v. Sutton*, 2024-Ohio-2106**

Sentence; cost of confinement

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2024/2024-Ohio-

2106.pdf

Trial court plainly erred in imposing the costs of confinement in the sentencing entry but not at the sentencing hearing. Imposition of such costs vacated.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. J.W.G.*, 2024-Ohio-2071**

Expungement

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-2071.pdf

As the version of R.C. 2953.32 in effect when appellant filed his applications required a hearing for court to rule on eligibility for expungement, trial court erred in denying appellant's application for expungement without holding a hearing. Case remanded for court to hold a hearing.

***State v. Foster*, 2024-Ohio-2075**

Application for reconsideration; consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-2075.pdf

Appellant's motion for reconsideration of COA's prior decision granted. "[T]rial court erred in imposing consecutive sentences without making any of the findings required by R.C. 2929.14(C)(4) at the sentencing hearing or in the journal entry."

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Williams*, 2024-Ohio-2041**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-2041.pdf

In revocation of community control, trial court erred in imposing a prison term of 18 months consecutively to a prison term from another county. The "court failed to make the requisite findings when it imposed consecutive sentences" pursuant to R.C. 2929.14(C)(4). Case remanded for resentencing for court to make the requisite findings, as well as determine if the trial court originally "advised appellant that the reserved sentence could be ordered to be served consecutively to another sentence."

***State v. Hart*, 2024-Ohio-2037**

Sufficiency; violating a protection order

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-2037.pdf

Appellant's conviction for violating a protection order was not supported by sufficient evidence where there was no evidence presented "as to the manner or date of service by the clerk to allow a finder of fact to determine whether the service comported with the Civil Rules * * * the state failed to produce sufficient evidence that service of the protection order was completed in accordance with the Civil Rules or that it was relieved of producing such evidence due to proof of one of the circumstances described in R.C. 2919.27(D)."

Twelfth Appellate District of Ohio

***State v. Keltner*, 2024-Ohio-2017**

Guilty plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2024/2024-Ohio-2017.pdf

Appellant's "guilty plea was invalid because she never stated on the record that she was pleading guilty to the offense" of domestic violence. "As a result, there was no plea for the trial court to accept, and consequently no basis for the judgment of conviction."

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.