Appellate Court Decisions –Week of 8/26/24

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

First Appellate District of Ohio

***State v. Gilliam*, C-240153**

Reagan Tokes

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

Trial court erred when it failed to advise appellant of "certain Reagan Tokes Law notifications" at the sentencing hearing, pursuant to R.C. 2919.19(B)(2)(c). State concedes error. Case remanded for court to provide such notifications.

***State v. Marshall*, C-230664**

Postconviction DNA testing

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

Trial court erred in denying appellant's postconviction application for DNA testing without explaining its reasons as required by R.C. 2953.73(D). Case remanded for court to provide an explanation for its denial.

***State v. Green*, C-230551**

***Brady* violation**

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

Trial court erred in denying appellant's motion for a new trial where the state failed to provide a "coworker's recorded statement about their prior work dispute . . . [that indicated] . . . the coworker had a motive to fabricate the allegations against [appellant]." Case remanded for a new trial.

***State v. Stanford*, C-240227**

Community control sanctions

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

Trial court erred when it imposed a prison sentence and a no-contact order which is a community control sanction. "Absent an express exception, a

trial court cannot lawfully impose a prison term and a community-control sanction for the same offense. *State v. Anderson*, 2015-Ohio-2089, ¶ 31-32."

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. Anderson*, 2024-Ohio-3181**

Sentencing; nunc pro tunc entry/clerical error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2024/2024-Ohio-3181.pdf

Trial court erred in its sentencing entry by stating that appellant had been convicted of possessing more than 100 grams of cocaine, when the jury found him guilty of possessing more than 50 grams but less than 100 grams. Case remanded for trial court to correct this clerical error with a nunc pro tunc sentencing entry.

Sixth Appellate District of Ohio

***State v. Alexander-Keels*, 2024-Ohio-3138**

Sufficiency; counterfeiting

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2024/2024-Ohio-3138.pdf

In convictions for counterfeiting and possessing criminal tools, although the possessing criminal tools conviction was supported by sufficient evidence, the counterfeiting convictions were not supported by sufficient evidence. The state failed to prove that the debit cards with fictitious card

holder names were "an 'obligation or other security' which is defined under R.C. 2913.30(A)(2) as 'an instrument recognized as currency or legal tender or that is issued by the United States treasury, including bills, coins, bonds, or checks' and, thus, could not form the basis of the counterfeiting charges. *See Black's Law Dictionary* (12th Ed. 2024), defining 'legal tender' as '[t]he money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value'; *Black's* further defines 'currency' as '[a]n item (such as a coin, government note, or banknote) that circulates as a medium of exchange.'" State concedes error.

Seventh Appellate District of Ohio

***State v. Walters*, 2024-Ohio-3179**

Motion for leave to file motions

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2024/2024-Ohio-3179.pdf

In state's appeal, trial court did not err in granting appellee's motion for leave to file a motion to suppress and motion in limine . Court utilized the correct standard, finding that appellee had "'demonstrated good cause for the untimely filing.'"

Eighth Appellate District of Ohio

***State v. Haynes*, 2024-Ohio-3190**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-3190.pdf

Trial court erred in imposing consecutive sentences on appellant where it "failed to make the findings mandated by R.C. 2929.14(C)(4)." Case remanded for court to make such findings.

***State v. Holloway*, 2024-Ohio-3189**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-3189.pdf

In convictions for theft, inter alia, trial court plainly erred when it failed to merge three counts of theft as allied offenses; appellant "committed acts of theft that were the basis for Counts 7, 18, and 25, but as a course of conduct as alleged in Count 3, grand theft." Case remanded for court to merge those counts.

***State v. Richard*, 2024-Ohio-3194**

Consecutive sentences; nunc pro tunc entry/clerical error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2024/2024-Ohio-3194.pdf

Trial court made the correct consecutive sentence findings at the sentencing hearing. However, due to a clerical error, those findings were not included in the sentencing entry. Case remanded for court to issue a "nunc pro tunc entry to reflect what actually happened in open court."

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***In re Crozier*, 2024-Ohio-3150**

Relief from weapons disability

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-3150.pdf

Trial court erred in denying appellant's application for relief from weapons disability without a hearing. Trial court was required to hold such a hearing before denying the application. State concedes error. Case remanded for court to hold such a hearing.

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.