Appellate Court Decisions –Week of 12/16/24

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

***State v. Barnes*, 2024-Ohio-5865**

Suppression; traffic stop

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2024/2024-Ohio-5865.pdf

In state's appeal, trial court did not err when it granted appellee's motion to suppress. Although initial stop of appellee's vehicle was valid, a second pat-down search of appellee, where officer went directly into appellee's pocket, was not supported by any evidence that officer was concerned with his safety to justify such an intrusion. COA also concludes that "the State has failed to establish that a reasonable probability exists that the contraband in [appellee's] pockets would have been inevitably discovered apart from the unlawful conduct with this argument."

***State v. Giesige*, 2024-Ohio-5863**

PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2024/2024-Ohio-5863.pdf

In conviction for aggravated trafficking in drugs, a second-degree felony, trial court erred in imposing three years of discretionary post-release control, where the statute, R.C. 2929.19(B)(2)(d), "provides for eighteen months to three years of mandatory post-release control . . . ." Case remanded for resentencing on PRC.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

***State v. Scott*, 2024-Ohio-5849**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2024/2024-Ohio-5849.pdf

Trial court erred when it failed to merge appellant's convictions for disrupting public services and tampering with evidence as allied offenses of a similar import. Appellant's conduct of cutting off his court-ordered ankle monitor was the conduct for both convictions, as well as the harm for both being the same. State concedes error. Case remanded for court to merge those counts.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

***State v. Weber*, 2024-Ohio-5901**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2024/2024-Ohio-5901.pdf

Trial court erred in imposing consecutive sentences where it "failed to make the required findings at the sentencing hearing" pursuant to R.C. 2929.14(C)(4). State concedes error. Case remanded for resentencing.

Tenth Appellate District of Ohio

***State v. Lathon*, 2024-Ohio-5886**

Sentencing; acquittal

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2024/2024-Ohio-5886.pdf

"[T]rial court erred by sentencing [appellant] to a prison term for an offense [tampering with evidence] on which he was acquitted." Case remanded for resentencing.

Eleventh Appellate District of Ohio

***State v. Sanchez*, 2024-Ohio-5868**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2024/2024-Ohio-5868.pdf

"[T]rial court failed to inform [a]ppellant of the effect of his guilty plea at the time of his plea hearing. This constitutes a complete failure to comply with Crim.R. 11(E)." Therefore, appellant's guilty plea is vacated, and case remanded.

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.