Appellate Court Decisions –week of 5/19/25

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

First Appellate District of Ohio

***In re: A.C.*, 2025-Ohio-1801**

Sufficiency; felonious assault adjudication

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-1801.pdf

Juvenile court erred when it adjudicated appellant delinquent for felonious assault and the accompanying firearm specification, as that adjudication was not supported by sufficient evidence. The evidence presented "established that [appellant] used the vehicle in a careless or negligent manner which is insufficient to prove that [appellant] used the vehicle as a deadly weapon." Adjudication reversed, and appellant discharged for that offense. COA also "recognize[s] that the reversal of the adjudication and disposition in the case numbered 23/2785-01 may have an impact on the dispositions in the remaining cases and remand[s] the cause to the juvenile court to correct the dispositional entries to reflect the reversal of the disposition in the case numbered 23/2785-01."

***State v. Johnson*, C-240573**

Community control violation

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

Trial court erred when it revoked appellant's community control and sentenced him to prison for 30 months without "personally address[ing] him to ask whether he admitted to the violations . . . [t]here was no clear demarcation between the probable cause and sentencing phases (or any indication that [appellant] or his counsel waived such), and [COA] cannot decipher whether [appellant] understood the proceeding and its implications on his liberty. His counsel admitted to the violations on [appellant's] behalf, but it was unclear whether [appellant] understood that or even agreed with those admissions. Such confusion and lack of clarity in the record constitutes reversible error." Judgment reversed, and case remanded.

***State v. Nerswick*, 2025-Ohio-1802**

Invalid complaint

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-1802.pdf

Appellant's conviction for DV was invalid because the police "officer who filed the complaints against him did not do so under oath." Therefore, the trial court lacked subject matter jurisdiction over the case. Crim.R. 3(A).

***State v. Gill*, 2025-Ohio-1805**

Allied offenses

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-1805.pdf

On remand from COA where appellate court instructed the trial court to merge allied offenses of similar import, trial court again erred by merging all the drug offenses as opposed to merging "the trafficking and possession convictions *for each respective drug*." Court also erred when it imposed separate sentences for the merged offenses. Finally, COA identified several other errors in the sentencing entry that differed from what occurred during the sentencing hearing. Case remanded for resentencing.

Second Appellate District of Ohio

***In re: M.D.S.*, 2025-Ohio-1761**

Delinquency/court costs

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-1761.pdf

In adjudication for theft, juvenile court erred in imposing court costs because it incorrectly believed that the costs were mandated by R.C. 2743.70(A)(2). However, "R.C. 2154.54 provides the juvenile court with authority to waive the court costs mandated by R.C. 2743.70(A)(2)" if the court determines that the child is indigent. Imposition of costs reversed, and case remanded to determine if appellant is indigent.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Groves*, 2025-Ohio-1616**

Guilty plea/sentencing errors

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-1616.pdf

In conviction for failure to notify of change of address where state appealed the community control sentence and appellee cross-appealed, trial court erred when it sentenced appellee to community control when the offense required a three-year mandatory prison term because appellee had been previously convicted of failure to register. However, because the trial court "misinformed appellee about his possible eligibility for community control . . . [appellee] did not enter a knowing, voluntary and intelligent plea because he had been misadvised of community control eligibility when that option did not exist." Conviction vacated, and case remanded.

***State v. McFarland*, 2025-Ohio-1816**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-1816.pdf

In consolidated appeals where two appellants were convicted of two counts of failure to provide for a functionally impaired person, fourth-degree felonies in violation of R.C. 2903.16(A)(C)(1), as well as two counts of attempted failure to provide for a functionally impaired person, fifth-degree felonies in violation of R.C. 2903.16(A)(C)(1), trial court erred by failing to make the proper consecutive sentence findings at the sentencing hearing and in the sentencing entry that are mandated by R.C. 2929.14(C)(4) before imposing consecutive sentences. Trial court also erred in imposing consecutive sentences where "[t]here is nothing contained in any of these records/reports demonstrating that [a]ppellants pose a danger or threat to the public or that consecutive sentences were necessary to protect the public from future crime," and the record "does not clearly and convincingly support the imposition of consecutive sentences." Case remanded for resentencing.

Fifth Appellate District of Ohio

***State v. Cox*, 2025-Ohio-1819**

Sufficiency; OOB

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-1819.pdf

In convictions for violating a protection order and OOB, conviction for violating a protection order is affirmed. However, conviction for OOB was not supported by sufficient evidence where appellant "took no affirmative action that impeded the deputies . . . [h]is refusal to leave, while sufficient to support the violating a protection order conviction, does not establish the requisite intent to act to prevent, obstruct, or delay the deputies in the performance of their lawful duties." Conviction for OOB vacated, and appellant discharged as to that offense.

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. Addicott*, 2025-Ohio-1785**

Hearsay

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2025/2025-Ohio-1785.pdf

In convictions for multiple sex offenses, trial court erred when it "repeatedly permitted the introduction of hearsay evidence, which violated [appellant's] rights under the Confrontation Clauses of the United States and Ohio Constitutions." Although certain records which linked appellant to an I.P. address were properly authenticated business records, three other reports and related testimony were offered to prove the truth of the matters related to Counts 3 through 6. The "[r]eports were not properly admitted as business records, and [COA] cannot determine that the records were nontestimonial. Nor did any exception to the general rule that hearsay is not admissible apply to them. Evid.R. 802. So, their admission was error." Convictions on Counts 3 through 6 vacated, and case remanded for resentencing.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Logan*, 2025-Ohio-1772**

Sentencing/mandatory prison term for felony with firearm spec.

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-1772.pdf

"*R.C. 2929.13(F)(8) requires a trial court to impose a prison sentence on an offender convicted of a felony offense that has a corresponding firearm specification.*"

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.