Appellate Court Decisions –week of 6/16/25

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

First Appellate District of Ohio

***State v. Whiting*, C-240314**

Community control revocation hearing/due process

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

The trial court's process at appellant's community-control-revocation hearing was improper and violated appellant's due process rights. "The trial court relied upon its recollection of testimony elicited at the suppression hearing in the case B-2305294, and did not supplement the record with transcripts from that proceeding. By referencing this testimony, the court took judicial notice of testimony from a separate proceeding and thereby relied upon facts outside of the record before it. While probation-revocation hearings are inherently informal proceedings and not bound by the Ohio Rules of Evidence, the court's action in this case divested the State of its burden of production and denied [appellant] the meaningful opportunity to confront adverse witnesses." Judgment reversed, and case remanded for a new hearing.

Second Appellate District of Ohio

***State v. Tanner*, 2025-Ohio-2087**

Suppression; traffic stop/duration

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-2087.pdf

Trial court erred in denying appellant's motion to suppress the search of her vehicle after a canine sniff alerted on the car. COA finds that "[w]hile the drug sniff occurred within approximately 12 minutes of the stop, the issue was not whether the stop as a whole lasted a reasonable amount of time. The issue was whether the stop was prolonged beyond what was necessary to resolve the reason for the stop. The record in the present case persuades us that [appellant's] detention was unduly prolonged to facilitate a drug sniff."

Third Appellate District of Ohio

***State v. Bible*, 2025-Ohio-2106**

Ineffective assistance of counsel

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2025/2025-Ohio-2106.pdf

Trial counsel was ineffective for failing to file an affidavit of indigency for appellant's mandatory fines totaling $35,000. COA finds "there to be a reasonable probability that [appellant] would have been found indigent at sentencing had counsel filed an affidavit of indigency."

Fourth Appellate District of Ohio

***State v. Paul*, 2025-Ohio-2088**

Sentencing; prison and community control sanction

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-2088.pdf

Trial court erred when it imposed a 30-month prison sentence and also imposed "a community control sanction when it ordered [appellant] to refrain from using drugs of abuse and to submit to random drug testing." State concedes error. Case remanded for resentencing.

Fifth Appellate District of Ohio

***State v. Stevens*, 2025-Ohio-2121**

Restitution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-2121.pdf

Trial court erred in ordering appellant to pay $40 in restitution where victim testified that her economic loss was only $30. Case remanded for "limited purpose of correcting restitution."

Sixth Appellate District of Ohio

***State v. Bracey*, 2025-Ohio-2133**

Motion to suppress/motion to supplement

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2025/2025-Ohio-2133.pdf

Trial court erred in denying appellant's request to supplement his motion to suppress the traffic stop after new defense counsel was appointed. Appellant sought to supplement the motion to dispute the validity of the stop due to the fact that he was racially profiled. Crim.R. 12(H) permits the trial court, for good cause shown, to allow such supplementation. It was an abuse of discretion for the court to deny the request. Case remanded.

Seventh Appellate District of Ohio

***State v. Zusack*, 2025-Ohio-2129**

Writ of habeas corpus

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2025/2025-Ohio-2129.pdf

Writ of habeas corpus granted, and COA orders immediate release of petitioner where he was held in jail for 77 days, "more than two and a half times the maximum thirty-day sentence authorized for his offense," that being threat of domestic violence.

Eighth Appellate District of Ohio

***State v. Trujillo*, 2025-Ohio-2069**

Petition for postconviction relief

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-2069.pdf

Trial court erred in denying appellant's postconviction petition without a hearing and without issuing findings of fact and conclusions of law as

required by R.C. 2953.21(D) and 2953.21(H). Judgment reversed, and case remanded for court to issue findings and conclusions.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

***State v. Geter*, 2025-Ohio-2100**

Error in entry/nunc pro tunc

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2025/2025-Ohio-2100.pdf

Case remanded for limited purpose of correcting error with nunc pro tunc sentencing entry to reflect that appellant was found guilty after a bench trial, not a guilty plea.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

***United States v. Skrmetti*, 605 U.S. ____ (2025)**

Transgender treatment

Full Decision:
https://www.supremecourt.gov/opinions/24pdf/23-477_2cp3.pdf

Held: Tennessee's law prohibiting certain medical treatments for transgender minors is not subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment and satisfies rational basis review. Pp. 8–24.

83 F.4th 460, affirmed.

ROBERTS, C. J., delivered the opinion of the Court, in which THOMAS, GORSUCH, K AVANAUGH, and BARRETT, JJ., joined, and in which ALITO, J., joined as to Parts I and II–B. THOMAS, J., filed a concurring opinion. BARRETT, J., filed a concurring opinion, in which THOMAS, J., joined. ALITO, J., filed an opinion concurring in part and concurring in the judgment. SOTOMAYOR, J., filed a dissenting opinion, in which JACKSON, J., joined in full, and in which KAGAN, J., joined as to Parts I–IV. KAGAN, J., filed a dissenting opinion.

***Perttu v. Richards*, 605 U.S. ____ (2025)**

The Prison Litigation Reform Act (PLRA)

Full Decision:
https://www.supremecourt.gov/opinions/24pdf/23-1324_2c83.pdf

The Prison Litigation Reform Act (PLRA) requires prisoners with complaints about prison conditions to exhaust available grievance procedures before filing suit in federal court. 42 U. S. C. §1997e(a). But "exhaustion is not required" when a prison administrator "threaten[s] individual inmates so as to prevent their use of otherwise proper procedures." *Ross v. Blake*, 578 U. S. 632, 644. "Such interference with an inmate's pursuit of relief renders the administrative process unavailable," so "§1997e(a) poses no bar" to suit. Ibid. The question presented is whether a party has a right to a jury trial on PLRA exhaustion when that dispute is intertwined with the merits of the underlying suit.

In this case, inmate Kyle Richards alleges that Thomas Perttu, a prison employee, sexually harassed Richards and other inmates. Richards also alleges that, when he attempted to file grievance documents about the abuse, Perttu destroyed them and "retaliated against" him for attempting to file them. Richards sued Perttu under 42 U. S. C. §1983 for violating his constitutional rights, including his First Amendment right to file grievances. Perttu moved for summary judgment, arguing that the plaintiffs had failed to exhaust available grievance procedures as required by the PLRA. The Magistrate Judge concluded that there was "a genuine issue of fact as to whether Plaintiffs were excused from properly exhausting their claims due to interference by Perttu" and that the issue was "appropriate

for resolution during an evidentiary hearing." App. to Pet. for Cert. 86a. At that hearing, the Magistrate Judge concluded that Richards's witnesses regarding Perttu's alleged destruction of grievance forms "lacked credibility." The Magistrate Judge recommended dismissal without prejudice for failure to exhaust, and the District Court adopted that recommendation. The Sixth Circuit reversed. It stated that there was "no doubt that a judge may otherwise resolve factual disputes regarding exhaustion under the PLRA," but it held that "the Seventh Amendment requires a jury trial when the resolution of the exhaustion issue under the PLRA would also resolve a genuine dispute of material fact regarding the merits of the plaintiff 's substantive case." 96 F. 4th, 911, 917, 923. That decision conflicted with Seventh Circuit precedent.

Held: Parties are entitled to a jury trial on PLRA exhaustion when that issue is intertwined with the merits of a claim that requires a jury trial under the Seventh Amendment. Pp. 5–16.

96 F.4th 911, affirmed.

ROBERTS, C. J., delivered the opinion of the Court, in which SOTOMAYOR, KAGAN, GORSUCH, and JACKSON, JJ., joined. BARRETT, J., filed a dissenting opinion, in which THOMAS, ALITO, and KAVANAUGH, JJ., joined.