Appellate Court Decisions –week of 8/25/25

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

First Appellate District of Ohio

***State v. Beard*, C-240388**

Sentencing; maximum sentence based on exercise of right to jury trial

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

Appellant's conviction for rape affirmed. However, "trial court's repeated condemnatory remarks about [appellant's] not-guilty plea and his choice to be tried by a jury reveal that it impermissibly considered [appellant's] exercise of his constitutional right to a jury trial when it imposed the maximum penalty. A sentence imposed in retaliation for the defendant's exercising his constitutional right to a jury trial is contrary to law and must be vacated." Case remanded for resentencing.

***State v. Jones*, C-230564**

Confrontation Clause

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

In state's appeal, trial court did not err in excluding the testimony of a police officer who had testified in appellant's first trial in 1996 for, inter alia, aggravated murder, but has since died. Because the state withheld numerous documents from appellee at the first trial that would have been used to impeach Officer Bray's testimony, he did not have the "opportunity to adequately cross-examine Officer Bray in a manner that could satisfy the Confrontation Clause." Therefore, the state is precluded from offering the testimony of Bray should the state seek to try appellee again. (The trial court had previously vacated appellee's convictions and ordered a new trial based upon the state's withholding of the vast amount of discovery.)

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. Jones*, 2025-Ohio-3011**

Forfeiture

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-3011.pdf

Following remand from COA where trial court's forfeiture order of appellant's residence was reversed, trial court again erred when it ordered the forfeiture. One of appellant's offense of which she was convicted was a felony of the fifth degree, attempted aggravated possession of drugs. Forfeiture of a land and residence valued at $176,810 was "disproportionate to the severity of this F5 felony, which was based solely on [appellant's] possession of psilocybin mushrooms inside a locked room of the residence." Finally, forfeiture of the residence based on appellant's offense of WUD was also error. "Forfeiture of the residence and the nine-acre property under the weapons count, when the weapons themselves have been forfeited and [appellant] may seek relief from such disability, is disproportionate to the severity of this possession-of-weapons-under-disability offense." Forfeiture order reversed.

***State v. Hartley*, 2025-Ohio-3048**

Allocution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-3048.pdf

Conviction for criminal damaging affirmed; however, trial court erred when it failed to afford appellant his right to allocution before sentencing. See Crim.R. 32(A)(1). Sentence vacated, and case remanded for resentencing.

Sixth Appellate District of Ohio

***State v. Walker*, 2025-Ohio-3049**

Allocution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2025/2025-Ohio-3049.pdf

Conviction for attempted forgery affirmed; however, trial court erred when it failed to afford appellant his right to allocution before sentencing. See Crim.R. 32(A)(1). Sentence vacated, and case remanded for resentencing.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Browning*, 2025-Ohio-2989**

Clerical error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-2989.pdf

After appellant's postconviction petition was successful and his cases returned to the trial court for a jury trial, appellant pled guilty to unlawful restraint, a misdemeanor of the third degree, and assault, a misdemeanor of the first degree. He was released with credit for time served. However, the sentencing entry stated he had pled guilty to the offenses with a sexual motivation specification which was erroneous. Case remanded for trial court to enter a nunc pro tunc entry to correct this clerical mistake.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Wallace*, 2025-Ohio-3032**

Hearsay

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2025/2025-Ohio-3032.pdf

In conviction for DV, "trial court erred by admitting hearsay evidence in the form of the victim's recorded statement to the police" as a business record when it was not admissible under that or any other exception. COA also holds that the error was not harmless because "[o]nce the recording [was] excised, the remaining evidence [did] not establish [a]ppellant's guilt for [DV] beyond a reasonable doubt." Conviction reversed, and case remanded for a new trial.

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.