Appellate Court Decisions –week of 9/8/25

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

First Appellate District of Ohio

***State v. Jones*, C-240449**

Sufficiency; failure to reinstate license

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

Appellant's conviction for failure to maintain control affirmed. However, appellant's conviction for failure to reinstate his license was not supported by sufficient evidence where "no testimony was put forth demonstrating that [appellant] had a prior suspended license or that [appellant] had failed to reinstate said license." The state submitted appellant's BMV record which showed that he "had two years to have his license reinstated," but without "testimony explaining the contents of the BMV record," the state failed to "put forth sufficient evidence to support the conviction."

Second Appellate District of Ohio

***State v. Fleming*, 2025-Ohio-3165**

Hearsay; forfeiture by wrongdoing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-3165.pdf

In conviction for, inter alia, felony murder, trial court erred in admitting the recorded statement of a person who did not testify at trial. The "court improperly determined [the statement] to be admissible under the forfeiture by wrongdoing exception to the hearsay rule." The state did not present any direct or circumstantial evidence of wrongdoing on the part of appellant. COA "cannot conclude that the trial court made a reasonable inferential conclusion that [appellant's] statements on the jail call constituted a wrongful effort to prevent C.R.'s testimony or that C.R.'s failure to appear was related to any conduct [appellant] took or authorized. As such, the State failed to establish by the preponderance of the evidence that [appellant's] conduct acted to forfeit his constitutional right to confront C.R. at trial." Conviction vacated, and case remanded.

***State v. Devore*, 2025-Ohio-3164**

Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-3164.pdf

In conviction for multiple drug offenses and OVI, trial court erred in failing to provide appellant with the required notifications in R.C. 2929.19(B)(2)(c). Case remanded for a limited resentencing for trial court to provide those notifications.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

***State v. Shaw*, 2025-Ohio-3173**

Post-conviction; DNA testing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2025/2025-Ohio-3173.pdf

In conviction for, inter alia, aggravated murder, trial court erred "by denying [appellant's] application [for DNA testing] without providing statutorily required reasons for its decision." R.C. 2953.74. Case remanded.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Nichols*, 2025-Ohio-3241**

Jury waiver

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2025/2025-Ohio-3241.pdf

In conviction for WUD, trial court erred in conducting a bench trial where there was no valid waiver of appellant's right to a jury trial. Although appellant signed a written jury waiver which was filed, the "record contains no in-court oral acknowledgement by [appellant] that he wished to waive the right to a jury trial as to the weapons while under disability charge." R.C. 2945.05. Conviction vacated, and case remanded.

Eleventh Appellate District of Ohio

Nothing to report.

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.