Appellate Court Decisions – weeks of 10/13/25, 10/20/25, and 10/27/25

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

First Appellate District of Ohio

***State v. Bishop*, 2025-Ohio-4743**

Merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-4743.pdf

Trial court plainly erred in failing to merge appellant's convictions for CCW and improperly handling firearms in a vehicle. "The offenses were not committed separately because both stemmed from [appellant] failing to inform the officer that he had a firearm in his bag . . . The motivation was to conceal the fact that [appellant] had a firearm in his bag. Thus, the offenses were committed with a single animus because [appellant's] motive was to hide the firearm." Case remanded.

***State v. Saunders*, 2025-Ohio-4741**

Double jeopardy; mistrial

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-4741.pdf

At appellant's initial bench trial, trial judge sua sponte declared a mistrial, "incorrectly believe[ing] that by affirming the State's statements [made off the record], she had become a witness to the trial." At her retrial, the new trial judge erred when it failed to grant appellant's motion to dismiss for violation of her double jeopardy rights. Appellant did not consent to the mistrial nor was there a manifest necessity or high degree of necessity that would have required the mistrial; the mistrial was declared due to the judge's 'mistaken belief" that she had become a witness. Therefore, double jeopardy barred a mistrial. Conviction reversed, and appellant discharged.

***State v. Henny*, C-250188**

Condition of community control

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

In conviction for attempted vandalism, trial court abused its discretion when it ordered two years of community control with a condition of community control that appellant could not possess a firearm. Such condition would have interfered with appellant's employment at a pawn shop. The condition "restricting [appellant] from her current employment [was] not reasonably related to her rehabilitation . . . [and] [t]he gun restriction had no relationship to the vandalism conviction." Judgment reversed, and trial court ordered "to modify the community-control condition to exempt [appellant] from the firearm restriction while at her place of employment."

Second Appellate District of Ohio

***State v. Fails*, 2025-Ohio-4680**

Failure to comply; serious physical harm

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-4680.pdf

Appellant's conviction for failure to comply affirmed; however, the additional element of causing a substantial risk of serious physical harm to person or property which elevated the conviction from a misdemeanor to a third-degree felony was not supported by sufficient evidence. Conviction modified to a first-degree misdemeanor, and case remanded for resentencing on that modified conviction.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Dotson*, 2025-Ohio-4941**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-4941.pdf

Appellant's guilty plea to voluntary manslaughter was not knowingly, intelligently, and voluntarily made where the trial court completely failed to notify appellant of the mandatory postrelease control. State concedes. And

because appellant's additional guilty plea to murder was "part of a larger plea agreement," both pleas vacated, and case remanded.

***State v. Doucoure*, 2025-Ohio-4770**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-4770.pdf

Appellant's guilty plea to OOB was not knowingly, intelligently, and voluntarily made when the trial court completely failed to notify appellant of his constitutional right to confront his accusers. Plea vacated, and case remanded.

Fifth Appellate District of Ohio

***State v. Montgomery*, 2025-Ohio-4617**

Vindictive sentencing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-4617.pdf

After appellant's 2024 conviction and three-day jail sentence were vacated in his first successful appeal, trial court again erred by imposing a 30-day sentence on remand. "Because the trial judge on remand failed to make affirmative findings on the record justifying the increase in [appellant's] sentence, we again reverse and remand [his] case to the trial court for yet another sentencing hearing . . . [b]ecause the presumption of vindictiveness has not been rebutted by anything in the record . . . ."

***State v. Sancho*, 2025-Ohio-4717**

Forfeiture

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-4717.pdf

In conviction for tampering with evidence, where such "indictment did not contain a forfeiture specification or mention a cell phone," nor was there language in the bill of particulars, in the plea documents, nor mention at the sentencing hearing concerning forfeiture, the trial court erred when it

denied appellant's motion to return his cell phone and ordered it forfeited. "[T]he cell phone was not part of any forfeiture set forth in the indictment, was not contained in the negotiated plea, and was not properly forfeited pursuant to Chapter 2981 of the Ohio Revised Code." And although the cell phone had been destroyed, the issue was not moot, as appellant could seek civil redress.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***Cleveland v. Sopjack*, 2025-Ohio-4952**

Building code violations; community control conditions

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-4952.pdf

In appellant's second appeal, where her first appeal resulted in a reversal of the trial court's order that mandatory interior inspection of appellant's property which was not the subject of the citation, COA finds that reasoning also applies to the trial court's order of inspection of the exterior of appellant's uncited property. "The exterior inspection of [appellant's] uncited property is not reasonably related to her rehabilitation and has no relationship to the crime of which [appellant] was convicted." As the community control sanctions were "overbroad," those sanctions were vacated, and the case remanded.

***State v. Molina*, 2025-Ohio-4758**

Plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-4758.pdf

Appellant's guilty pleas to, inter alia, robbery were not knowingly, intelligently, and voluntarily made where "the trial court completely failed

to comply with Crim.R. 11(C)(2)(b), which requires the court to explain the effect of a guilty or no contest plea." Pleas vacated, and case remanded.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Smith*, 2025-Ohio-4806**

Suppression; inventory search

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2025/2025-Ohio-4806.pdf

Trial court erred when it denied appellant's motion to suppress the warrantless search of her vehicle which yielded two firearms. Appellant was not being arrested so it was not a search incident to an arrest. State's contention that search was valid as an inventory search is also without merit. The firearms were located in a purse and in a black plastic bag; as both were considered closed containers, "the container may only be opened as part of the inventory process if there is in existence a *standardized policy or practice specifically governing the opening of such containers*. (Emphasis added.)" And since the Grove City Division of Police did not have "a written policy regarding the opening of closed containers . . . The state also failed to demonstrate that the Grove City Division of Police had an established routine practice within the agency concerning the opening of closed containers."

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Rogers*, 2025-Ohio-4794**

Jury selection

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-4794.pdf

Jury selection—Voir dire—In determining whether a juror was actually biased, a reviewing court must consider entire record and determine whether it demonstrates that juror was actually biased against the defendant—Court of appeals did not err by considering group answers to questions addressed to all prospective jurors in determining whether juror was biased.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.