Appellate Court Decisions –week of 10/6/25

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

First Appellate District of Ohio

***State v. Chitwood*, C-240710 & B-240711**

Consecutive sentences/jail-time credit

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

Trial court erred in imposing consecutive sentences without making the requisite findings pursuant to R.C. 2929.14(C)(4). Also, "the trial court erred in summarily denying [appellant's] request for additional jail-time credit without determining the reason for his presentence incarceration and whether it was related to the charges for which sentence was imposed." Case remanded for resentencing and for court to determine if appellant is entitled to any additional jail-time credit.

***State v. Swanigan*, 2025-Ohio-4648**

Competency restoration

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2025/2025-Ohio-4648.pdf

Appellant was deemed incompetent for a felony of the third degree with a six-month maximum restoration period and was subject to competency restoration for approximately five months before he was restored. Subsequently, he decompensated and was again declared incompetent. Trial court then erred in restarting a new six-month restoration period. "A defendant who falls under R.C. 2945.38(C)(2) can only 'be required to undergo treatment' to restore him to competency for a cumulative period of six months. If the defendant has already received six months of treatment and remains incompetent, or if he cannot be restored within the relevant statutory window, then the trial court must dismiss the charges against him and either discharge or civilly commit him. *See* R.C. 2945.38(H)(4)." Judgment reversed.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Harsha*, 2025-Ohio-4611**

Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2025/2025-Ohio-4611.pdf

Appellant's conviction for felonious assault affirmed. However, trial court erred in failing to advise appellant of the notifications required for an indefinite prison term pursuant to R.C. 2929.19(B)(2)(c). Case remanded for resentencing.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***Cleveland v. Hero Homes JV2, L.L.C.*, 2025-Ohio-4585**

Sentencing; fines and CC violation

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-4585.pdf

Appellant's conviction for violating a city ordinance by purchasing properties "without filing articles of incorporation or organization and identifying a statutory agent or without being licensed by the Ohio Secretary of State and identifying a statutory agent in accordance with Ohio

law" is affirmed. However, trial court erred in imposing an organizational fine of $20,000 on one first-degree misdemeanor when the maximum fine was $5,000. COA also found that the fine should be reduced to $100 where appellant "committed one administrative infraction . . . [which] was not a health or safety concern . . . [and appellant] remedied this oversight prior to receiving notice of the complaint and before appearing in court. Moreover, no evidence was presented that [appellant] had any prior involvement in housing court prior to this offense." Court also erred in imposing "conditions of community control [that] are unwarranted by law, do not relate to rehabilitation or the underlying offense, are not narrowly tailored, and are overbroad." Imposition of CC vacated "in its entirety," and COA "further vacate[s] any sanction imposed as a result of [appellant] purportedly violating community control."

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

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.