Appellate Court Decisions –week of 11/10/25

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

First Appellate District of Ohio

***State v. N.S.*, C-250059**

Expungement

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

Trial court erred when it sealed appellant's criminal record but denied her applications for expungement. "The factors that a trial court must consider are the same for both record sealing and expungement. The trial court found that N.S. met all the requisite factors. Therefore, because the governing statute provides that an application for expungement 'shall' be granted if the factors listed in the statute are satisfied, and they were here, [COA] hold[s] that the trial court abused its discretion by denying N.S.'s applications for expungement." Case remanded for trial court to grant the applications for expungement.

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. Cook*, 2025-Ohio-5148**

PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-5148.pdf

Trial court erred when it failed to properly impose PRC. It failed "to advise [a]ppellant that (1) he would be supervised by the Adult Probation Authority and (2) the consequences for [a]ppellant's failure to comply with any post-release conditions." State concedes error. Case remanded for trial court to properly advise appellant regarding PRC.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Jenkins*, 2025-Ohio-5146**

Guilty plea/PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5146.pdf

Appellant's guilty plea was not knowingly, intelligently, or voluntarily made where "the trial court failed to advise him of the mandatory period of postrelease control that would be imposed upon him." State concedes error. Conviction and sentence vacated, and case remanded.

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

***State v. Musarra*, 2025-Ohio-5058**

Crim.R. 29/venue

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-5058.pdf

Criminal law—Venue—Crim.R. 29—R.C. 2945.67(A)—A decision terminating a prosecution based on insufficient evidence of venue is a decision granting a motion to dismiss the indictment, complaint, or information that the State may appeal as of right under R.C. 2945.67(A)—*State v. Hampton *overruled—Trial court's judgment of acquittal based on insufficient evidence of venue was, in substance, a dismissal of the indictment filed against appellee that the State has a right to appeal under R.C. 2945.67(A)—Court of appeals' judgment dismissing the State's appeal as of right reversed and cause remanded to court of appeals for consideration of the State's appeal as of right.

***State v. Roberts*, 2025-Ohio-5120**

Harmless error/overwhelming evidence of guilt

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-5120.pdf

Criminal law—Crim.R. 52(A)—Trial court's errors were harmless beyond a reasonable doubt because even when the erroneously admitted evidence is excised, overwhelming evidence of defendant's guilt remains—Court of appeals' judgment reversed and convictions reinstated.

Appellee's convictions for aggravated murder and aggravated robbery of his mother reinstated.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.