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

***Evans v. McGuffey*, C-250475**

Writ of habeas corpus

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

Where Petitioner, who was charged with, inter alia, murder, was detained without bail after a R.C. 2937.222(B) hearing, his writ of habeas corpus is granted and bail set at $750,000. Petitioner "obtained evidence that the State's primary witness at his hearing, a law-enforcement officer, made false statements of fact while on the stand . . . Due process prohibits the State from using false testimony to deprive any person of their liberty . . . the State employed false testimony at [Petitioner's] no-bail hearing, and that false testimony could have altered the trial court's determinations that [Petitioner] 'pose[d] a substantial risk of serious physical harm' to others and 'that no release conditions [would] reasonably assure the[ir] safety.' *See* R.C. 2937.222(B). [Petitioner's] continued detention is therefore unconstitutional."

***State v. Barker*, C-240408**

Petition for post-conviction relief

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

In state's appeal of trial court's grant of appellee's petition for postconviction relief to vacate his convictions for, inter alia, aggravated murder, COA finds that trial court "did not abuse its discretion in determining that [appellant's] trial counsel's performance was deficient, [but] the common pleas court failed to engage in the appropriate analysis to determine whether [appellant] had been prejudiced by counsel's deficient performance. [COA] also hold[s] that the common pleas court did not abuse its discretion by vacating the dismissal of [appellant's] January 2014 petition." Case remanded for the "court to apply the appropriate prejudice analysis."

Second Appellate District of Ohio

***State v. Krupp*, 2025-Ohio-5162**

DV; self-defense

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-5162.pdf

Appellant's conviction for DV reversed, where "the State failed to disprove beyond a reasonable doubt that he acted in self-defense." Appellant was properly restraining his daughter in her booster seat so he was not the initial aggressor when the mother of his daughter grabbed him; he "had objectively reasonable grounds to believe and an honest belief, even if mistaken, that some force was necessary to defend himself against the imminent use of unlawful force;" and the amount of force he used against the mother was not "a greater degree of force than was necessary under the circumstances." Case remanded for a new trial.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Simpson*, 2025-Ohio-5240**

Post-conviction relief

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-5240.pdf

Trial court erred when it denied appellant's petition for post-conviction without an evidentiary hearing. As "his petition rests on evidence outside the record of his direct appeal," the petition "is not barred by claim preclusion . . . [appellant's] claims rest on evidence outside the trial record: an in-chambers conversation that was never transcribed or otherwise made part of the record. The petition and the affidavit filed with it describe the State's alleged withholding of discovery and its insistence that [appellant] accept or reject the government's plea offer before any exchange of discovery materials. Those facts do not appear anywhere in the trial-court record . . . If proven, the State's conduct poses serious constitutional concerns. [Appellant's] asserts violations of his Fourth Amendment rights

through the State's refusal to provide search warrants and affidavits, violations of his Sixth Amendment rights to compulsory process, confrontation, effective assistance of counsel, and a fair trial, and violations of his due-process rights under the Fifth and Fourteenth Amendments." Case remanded to hold an evidentiary hearing.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Massimiani*, 2025-Ohio-5137**

PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5137.pdf

Trial court erred when it failed to properly impose PRC. Appellant "was not orally advised at the sentencing hearing of the consequences of violating even though it was incorporated in the sentencing entry." Case remanded for resentencing so that the court can properly notify appellant of PRC.

***State v. Yancy*, 2025-Ohio-5135**

Drive-by specification/mens rea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5135.pdf

Appellant's convictions for, inter alia, murder, affirmed. However, the five-year sentence for the drive-by specification "was not applicable to the involuntary-manslaughter charge. R.C. 2941.146 provides for a mandatory five-year prison term for offenders who commit 'a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle . . . .' The culpable mental

state for involuntary manslaughter, as defined by R.C. 2903.04, is supplied by the predicate offense — in this case, grand theft and/or receiving stolen property. *See State v. Gresham*, 2011-Ohio-2519, ¶ 16 (8th Dist.)." State concedes error. 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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.