Appellate Court Decisions –week of 11/3/25

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

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

***State v. Ackerman*, 2025-Ohio-4966**

Jailtime credit/Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2025/2025-Ohio-4966.pdf

Appellant's convictions for complicity to felonious assault affirmed. However, trial court erred by "failing to specify at [appellant's] sentencing hearing her jail-time credit and by denying her an opportunity to be heard on the issue. The trial court further failed to advise [appellant] at the sentencing hearing of all the notifications required under R.C. 2929.19(B)(2)(c) in connection with its imposition of an indefinite prison sentence under the Reagan Tokes Law." Case remanded for resentencing.

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

***State v. Whitney*, 2025-Ohio-4978**

PRC/nunc pro tunc entry

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2025/2025-Ohio-4978.pdf

Appellant's convictions for, inter alia, burglary and sentence of 10 – 12 ½ years affirmed. And trial court properly notified appellant of PRC at sentencing hearing but "erred when it listed every possible term of postrelease control in its sentencing entr[ies]." Case remanded for court to issue nunc pro tunc entries correctly imposing PRC.

***State v. Rosas*, 2025-Ohio-5022**

Allocution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2025/2025-Ohio-5022.pdf

Appellant's conviction for failing to contain a dog acting viciously is affirmed; however, trial court erred in failing to afford appellant with an opportunity for allocution. Case remanded for resentencing.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Chavers*, 2025-Ohio-5042**

Degree of felonies

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5042.pdf

Appellant's convictions for one count of third-degree felony telecommunications fraud and two counts of fourth-degree felony theft was not supported by sufficient evidence. "State nolled the furthermore clauses from the grand theft counts, making them fifth-degree felonies instead of fourth-degree felonies. The State also agreed to charges holding each defendant in this case responsible for one-sixth of the total value of the theft, which was $1,504.80. The evidence [was] sufficient to prove appellant guilty of fifth-degree theft and fourth-degree felony telecommunications fraud, not fourth-degree grand theft and third-degree felony telecommunications fraud." 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

***Maurent v. Spatny*, 2025-Ohio-5002**

Habeas corpus/mootness

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-5002.pdf

Habeas corpus—A case is not moot when an actual controversy exists and it is possible for a court to grant the requested relief—Warden's appeal of trial court's grant of habeas corpus relief is not moot, because a judgment in favor of warden would result in inmate's return to prison to serve remainder of his term.

***State ex rel. Allah-U-Akbar v. Schroeder*, 2025-Ohio-5003**

Writs of prohibition/mandamus; remand from federal court

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-5003.pdf

Prohibition—Mandamus—Inmate alleging defects in indictment and verdict form has or had an adequate remedy in ordinary course of law through appeal of his conviction and death sentence, and he failed to show

that common-pleas-court judge patently and unambiguously lacks jurisdiction to conduct further proceedings in his criminal case.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.