Appellate Court Decisions –week of 12/1/25

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

First Appellate District of Ohio

***State v. Gooding*, C-250338 & C250258**

Sentencing; consecutive/Reagan Tokes

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

In convictions for robbery, forgery, and theft in two cases, trial court erred by failing "to make the required statutory findings to support consecutive sentences, both at the sentencing hearing and in the judgment entry of sentence." The court also erred when in sentenced appellant to four years at the sentencing hearing, but the judgment entry reflected a sentence of four to six years. Finally, the court "failed to administer the required advisements on the indefinite term for second-degree robbery in accordance with the Reagan Tokes Law." Case remanded for court to conduct a new sentencing hearing.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Havron*, 2025-Ohio-5373**

Community control; bench warrant

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2025/2025-Ohio-5373.pdf

Appellant was convicted of felony DV in 2014 and placed on five years of community control. In 2016, the trial court issued a bench warrant for her arrest for failure to comply with the terms of her community control. However, because "the warrant [did] not declare that [appellant] absconded—nor did the trial court ever make a determination that she had absconded," and her five-year period of community control had long since passed, trial court erred in denying her motion to lift the bench warrant. "In *State v. Rue*, 2020-Ohio-6706, the Supreme Court of Ohio held that

'tolling for absconding under R.C. 2929.15(A)(1) is not automatically self-executing.' *Rue* at ¶ 31. 'Absconding in and of itself has no legal force or effect on the running of the community-control term *unless and until the trial court declares that the defendant absconded.'* (Emphasis added). *Id.*" Since the "court never once issued the required judgment entry declaring that [she] had absconded," the judgment is reversed. "[T]he trial court lacks authority to take further action on [appellant's] community-control sentence."

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Hayes*, 2025-Ohio-5391**

Consecutive sentence findings

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2025/2025-Ohio-5391.pdf

Convictions and consecutive sentences for, inter alia, GSI affirmed. "However, while the trial court made the requisite findings at the sentencing hearing, the June 3, 2025 Judgment Entry does not incorporate those findings as required by [*State v.] Bonnell*, [2014-Ohio-3177] at ¶¶ 34, 37.1 This omission renders the entry incomplete, though not contrary to law, as it may be corrected by a nunc pro tunc entry reflecting what transpired in open court. *Bonnell*, ¶ 30." Case remanded for court to make such correction.

Sixth Appellate District of Ohio

***State v. Kitto*, 2025-Ohio-5301**

Crim.R. 16(K)/expert witness; confrontation

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2025/2025-Ohio-5301.pdf

Convictions for aggravated murder and child endangering reversed. "[T]he trial court's exclusion of Professor Findley's testimony on procedural grounds [despite documented timely service on the state] resulted in

material prejudice . . . .” Court also erred in denying appellant his right to cross-examine the state’s expert “to challenge the credibility of his opinion [which] prevented a fair determination of [appellant’s] innocence or guilt by the jury, as is [appellant’s] right, regardless of the seriousness of the charges.” Case remanded for a new trial.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***Cleveland v. Renger*, 2025-Ohio-5353**

Dismissal/Crim.R. 48(A)

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5353.pdf

In state’s appeal of trial court’s rejection of state’s request to dismiss the housing violation charges due to failure to properly serve appellee with the complaints, COA reverses and orders the charges be dismissed pursuant to Crim.R. 48(A). “City’s representation that it could not prove an element of the offense — or even if it did, it did not want to use departmental resources to undertake a prosecution under an ambiguous statute — satisfies the ‘good cause’ underpinnings behind Crim.R. 48(A) and R.C. 2941.33. [Appellee’s] concession of the error is also persuasive because [appellee] could have made these prosecutorial misconduct allegations had she opposed the dismissal.”

***State v. Woods*, 2025-Ohio-5344**

Suppression; search of residence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2025/2025-Ohio-5344.pdf

In state’s appeal, trial court did not err in granting appellee’s motion to suppress evidence obtained during a warrantless search of his apartment. “[T]he totality of the circumstances in this case contains sufficient evidence upon which a reasonable officer could have found that [appellee] did not consent, expressly or impliedly, to the officers entering his apartment . . . Without consent to enter, and without a reason to believe that their safety

was at risk, which was already concluded to be not present relative to [appelle's] arrest, the officers could not and did not need to enter the apartment." And since the officers were in the residence illegally, they could not argue that the firearm was in plain view." Judgment affirmed.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

***State v. Richardson*, 2025-Ohio-5417**

Competency

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2025/2025-Ohio-5417.pdf

In convictions for theft and forgery after a bench trial, "trial court abused its discretion in finding [appellant] was competent to stand trial and committed structural error in trying an incompetent defendant, in violation of the defendant's constitutional right to due process." Convictions vacated, and case remanded.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

***State v. Jones*, 2025-Ohio-5389**

App.R. 5(C); state's appeal

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2025/2025-Ohio-5389.pdf

Criminal law—R.C. 2945.67(A)—App.R. 5(C)—Under App.R. 5(C), in

seeking leave to appeal certain trial-court decisions, the State must claim that errors occurred in trial-court proceedings and must show how likely it is that those errors did in fact occur—Court of appeals erred in denying the State leave to appeal trial court's decision granting appellee a new trial by failing to determine whether the State had demonstrated a high enough probability of trial-court error to warrant a discretionary appeal.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.