Appellate Court Decisions –week of 1/12/26

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

First Appellate District of Ohio

***State v. Cooper*, C-250088**

Crim.R. 48(B)/dismissal of complaint

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

In state's appeal, trial court did not err when it dismissed the complaint at the request of the state. Even though a complaint should generally not be dismissed solely because the evidence is insufficient to support a conviction, the state "invited that error" when it requested the court to dismiss the complaint. "The State came to the trial court with a problem it identified, asked the trial court to dismiss the case, and the trial court did exactly what the State asked it to do. If the trial court erred in holding that *Fleming* required it to dismiss [appellant's] complaint, the State itself invited that error."

***State v. Hoskins*, C-240634**

Waiver of counsel; insufficient evidence/CCW

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

In convictions for CCW, WUD, and unlawful possession of a dangerous ordnance, the state did not present sufficient evidence to support the CCW conviction. The handgun appellant was carrying had a switch which rendered it fully automatic, therefore qualifying it as a dangerous ordnance. R.C. 2923.12 does not support "dual classification" of the weapon as both a handgun and a dangerous ordnance. "Accordingly, because the weapon was modified in a manner that brought it within the definition of a dangerous ordnance, it no longer qualified under the definition required for conviction under R.C. 2923.12(A)(2)." Conviction for CCW reversed, and appellant discharged as to that charge.

"[T]rial court [also] failed to ensure that [appellant] knowingly, intelligently, and voluntarily waived his right to counsel. Notably, the State concedes this point, and acknowledges that the trial court failed to conduct the inquiry required by Crim.R. 44." Two remaining convictions reversed, and case remanded for a new trial.

***Village of Newtown v. Tribble*, C-250120, C250121, & C-250122**

Leave to appeal

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

In village's appeal, appeal is dismissed. As the village erred by failing to have the mayor sign and certify the transfer orders from Newtown's Mayor's Court to Hamilton County Municipal Court of appellee's misdemeanor charges, the Municipal Court held it did not have jurisdiction and transferred the case back to Newtown. The village appealed that decision but failed to request leave to appeal pursuant to R.C. 2945.67(A). Therefore, as the case did not involve a dismissal of the complaints but rather a transfer, the appellate court was without jurisdiction to decide the appeal based on the failure to request leave.

***State v. Brown*, C-250495**

Waiver of jury trial

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

In convictions for aggravated robbery and robbery following a bench trial, "trial court lacked jurisdiction to conduct a bench trial where the court failed to strictly comply with the statutory requirements governing jury-trial waivers . . . the record lacks any evidence that a written waiver was executed, filed, or otherwise made part of the record. Absent such evidence, the waiver was invalid and the court lacked jurisdiction to conduct a bench trial." State concedes the error. Convictions reversed, and case remanded for a new trial.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Holdcraft*, 2026-Ohio-61**

Sex offender notification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2026/2026-Ohio-61.pdf

In convictions for rape with sentences of life without the possibility of parole and classification as a Tier III sex offender, trial court erred when it failed to provide appellant the mandatory statutory notifications of his sex offender registration duties pursuant to R.C. 2929.19 and R.C. 2950.03. Even though appellant was sentenced to LWOP, R.C. 2950.03 still requires the trial court to provide an offender classified with the registration duties at the time of sentencing; and "R.C. 2929.19 contains no exception for a sentence of life without parole . . . ." Case remanded for court to provide such notifications.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Henthorn* 2026-Ohio-86**

Mandatory sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-86.pdf

In convictions for complicity to kidnapping and felonious assault and tampering with evidence, convictions affirmed. However, trial court erred in sentencing appellant to a mandatory prison term for the kidnapping conviction, as there is no statutory authority for such a mandatory sentence under R.C. 2929.13(F)(1) through (22). Case remanded for resentencing.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Sweeney* 2026-Ohio-57**

Improper admission of lab report

Full Decision:

https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-57.pdf

In reopened appeal after COA found prior appellate counsel ineffective for failing to challenge the trial court's admission of a BCI laboratory report, conviction for aggravated possession of methamphetamine following a jury trial is reversed. Trial court plainly erred when it allowed the lab report to be admitted "as prima facie evidence of the content, identity, and weight of the methamphetamine" without a notarized statement by the testing forensic scientist (who did not testify) "that attested to her qualifications or the testing process that she had used on the methamphetamine. It also did not include any notice of [appellant's] right to demand [the scientist's] testimony. Therefore, the record indicates that the BCI laboratory report did not satisfy the requirements of R.C. 2925.51(A) or (D)." And "without the lab report, there would have been insufficient evidence to convict [appellant] of aggravated possession of drugs . . . [as] the report was the only evidence that the State presented at trial to establish that the white crystalline substance at issue was the controlled substance methamphetamine, a schedule II drug." However, COA finds that conviction was supported by sufficient evidence because COA "must consider evidence that was improperly admitted when reviewing a sufficiency-of-the-evidence claim" including the improperly admitted lab report. Case remanded for a new trial.

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.