Appellate Court Decisions –week of 2/16/26

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

First Appellate District of Ohio

***State v. Starr*, C-250221**

Sufficiency; persistent DC

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

Appellant's conviction for persistent DC, a misdemeanor of the fourth degree, was not supported by sufficient evidence. "[T]he State failed to prove that [appellant's] profane insults constituted 'fighting words.' *See Lowery* at *1; *Workman* at ¶ 24. Moreover, there was no evidence that the supervising officer was annoyed, inconvenienced, or alarmed by her words or felt threatened or that her words were likely to provoke a violent response." Conviction reversed, and appellant discharged from further prosecution.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Conkey*, 2026-Ohio-547**

Restitution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-547.pdf

Conviction for murder affirmed. However, trial court erred in imposing restitution without holding a restitution hearing after defense counsel disputed the amount. Restitution order vacated, and case remanded for court to conduct a hearing pursuant to R.C. 2929.18(A)(1).

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Willis*, 2026-Ohio-452**

Concurrent sentences; misdemeanor and felony

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-452.pdf

Convictions for multiple felony and misdemeanor counts affirmed. However, trial court plainly erred when it imposed prison terms on the felonies but suspended the jail time on the misdemeanors instead of ordering them to be served concurrently. "R.C. 2929.41(A) mandates concurrent service of misdemeanor jail time with felony prison time absent a statutory exception." Case remanded for resentencing.

***Euclid v. R.C.*, 2026-Ohio-457**

Expungement

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-457.pdf

Trial court erred when it denied appellant's application to expunge his minor misdemeanor conviction. Court erroneously concluded that R.C. 2953.32 "'[did] not permit the physical destruction of records.'" Further, the "court erred in determining that the Ohio Rules of Superintendence provisions relating to the retention of records prevail over the statutory provision." Finally, the "court erred in finding that an expungement of appellant's record is per se against public policy." Case remanded.

***Strongsville v. Smith*, 2026-Ohio-469**

Statutory speedy trial

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-469.pdf

In convictions for two traffic offenses, trial court erred when it denied appellant's motion to dismiss for statutory speedy trial violations. The most serious offense was a fourth-degree misdemeanor. "R.C. 2945.71(B)(1) requires the City to bring a person charged with a fourth-degree misdemeanor to trial within 45 days of citation." Between the final pretrial date and the date the court set for trial, 54 days elapsed. Nothing was noted in the judge's journal entry that time was tolled, and the city's contention that appellant had to object to the trial date or waive the argument was rejected by the COA. Finally, there was nothing in the journal entry that indicated why the trial court set the trial beyond the speedy trial date. Convictions reversed, and case remanded for trial court to vacate the convictions.

***State v. Gilmore*, 2026-Ohio-577**

Split sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-577.pdf

Convictions for WUD and improperly handling a firearm affirmed. However, trial court erred when it imposed a prison term and a no-contact order. A no-contact order is a community control sanction; courts are prohibited from imposing both a prison term and a community control sanction. "The Ohio Supreme Court has made it clear that 'split sentences' are generally prohibited in Ohio . . . [see] *State v. Anderson*, 2015-Ohio-2089 . . . ." State concedes error. No-contact order vacated.

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. Balish*, 2026-Ohio-503**

Sentencing; conditions of probation

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2026/2026-Ohio-503.pdf

Sentencing—Misdemeanor probation—Abuse of discretion—Three-part test under* State v. Jones *does not apply to a condition of probation expressly authorized by R.C. 2929.27.

"Applying the test for imposing conditions of probation articulated by this court in *State v. Jones*, 49 Ohio St.3d 51 (1990), the Eleventh District Court of Appeals vacated the sentence and remanded the cause to the trial court for resentencing, holding that because drugs and alcohol were not implicated in Ballish's theft offense, the trial court abused its discretion in imposing drug and alcohol monitoring as probationary conditions.

The question before us is whether the test articulated in *Jones* is still applicable to conditions of probation that the General Assembly has expressly authorized. In reconciling this court's decision in *Jones* with the current misdemeanor-sentencing scheme, we conclude that the *Jones* test does not apply to conditions of probation that the General Assembly has statutorily enumerated.

Because the General Assembly has expressly authorized drug-and-alcohol use monitoring, we review the challenged conditions for an abuse of discretion. We conclude that the trial court did not abuse its discretion in imposing Ballish's probation conditions."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.