Appellate Court Decisions –weeks of 2/25/26, 3/2/26, and 3/9/26

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

First Appellate District of Ohio

***State v. Sullivan*, C-250183**

Suppression; *Terry* pat-down

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

In convictions for CCW and improperly handling a firearm in a motor vehicle, the trial court erred when it denied appellant's MTS the pat-down of his person. "[Appellant's] single harmless gesture, Schaefer's response to it, the lack of other suspicious behavior, the contradictory BWC footage, Northcutt's differing assessment of the level of danger, and Schaefer's testimony about his investigatory purpose" lead to the conclusion that, "under the totality of the circumstances, Schaefer lacked reasonable suspicion to pat [appellant] down for weapons." Convictions reversed, and case remanded for suppression of all evidence obtained during the pat-down.

Second Appellate District of Ohio

***State v. Reid-Payne*, 2026-Ohio-672**

Second Amendment; aged-based restriction

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2026/2026-Ohio-672.pdf

In state's appeal, trial court did not err in dismissing an indictment for CCW, as court found that "the State has failed its burden to demonstrate that Ohio's aged-based restriction on carrying a concealed weapon is consistent with the Nation's historical tradition of firearm regulation. Accordingly . . . the concealed-carry statute, R.C. 2923.12, and its counterpart, R.C. 2923.111, are unconstitutional." *See State v. Matosky*, 2025-Ohio-5658 (2d Dist.).

***State v. Norman*, 2026-Ohio-761**

Reagan Tokes Act

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2026/2026-Ohio-761.pdf

In convictions for, inter alia, involuntary manslaughter, trial court erred when it "failed to provide the notifications required by the Reagan Tokes Act at sentencing." *See* R.C. 2929.19(B)(2)(c). The "trial court also improperly imposed indefinite prison terms, with a minimum and a maximum term, on each count." State concedes error. Case remanded for resentencing.

***State v. Johnson*, 2026-Ohio-757**

Confrontation Clause/child witness; sufficiency/aggravated menacing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2026/2026-Ohio-757.pdf

In convictions for three counts of aggravated menacing and one count of DV, convictions for DV and two counts of aggravated menacing reversed and remanded for a new trial. Trial court erred when it allowed two alleged child victims to testify outside the presence of appellant without making findings on the record. "R.C. 2945.81 requires case-specific findings of necessity before judge can utilize closed-circuit television procedures," quoting *State v. Knauff*, 2011-Ohio-2725 (4th Dist.)

The state also did not present sufficient evidence to support appellant's conviction on the third count of aggravated menacing where the state failed to demonstrate K.J.'s subjective belief that [appellant] would cause serious physical harm to her or the children." Conviction reversed, and appellant discharged as to that count.

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. Kynard*, 2026-Ohio-758**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-758.pdf

In conviction for possession of cocaine where appellant violated the terms of his community control a second time, trial court erred in imposing a 12-month prison term to be served consecutively to another case for which appellant had not yet been sentenced. State "concedes this error by the trial court and rightfully so since a trial court may not order a sentence to be served consecutively to a sentence that is to be imposed in the future." Imposition of consecutive sentences reversed. Finally, in state's cross-appeal, trial court imposed an "incorrect post-release control term." Case remanded for resentencing.

***State v. Oliver*, 2026-Ohio-803**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-803.pdf

In conviction for violation of a protection order, trial court erred in conducting a bench trial when appellant had filed a written jury demand without obtaining a signed, written waiver of appellant's right to a jury trial. City concedes error. Judgment reversed, and case remanded for a new trial.

Seventh Appellate District of Ohio

***State v. Ferrelli*, 2026-Ohio-750**

Minor misdemeanor/probation

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2026/2026-Ohio-750.pdf

Trial court erred in sentencing appellant to probation with conditions including a no-contact order for his conviction for a minor misdemeanor.

State concedes error, as "court lacked statutory authority to impose such a sentence for a minor misdemeanor. Judgment reversed, and case remanded for resentencing.

Eighth Appellate District of Ohio

***Cleveland v. Shaker Hts. Apts. Owner, L.L.C.*, 2026-Ohio-737**

Motion to dismiss/building code violations

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-737.pdf

Trial court erred in denying the city's motion to dismiss criminal complaints against appellant for building code violations pursuant to Crim.R. 48(A) and R.C. 2941.33. City's motion was based on the building inspector concluding that the property was substantially in compliance, therefore leaving the city with insufficient evidence to pursue the violations. Judgment reversed, and case remanded with instructions to grant the motion for leave to dismiss.

***State v. Watson*, 2026-Ohio-831**

Sentencing; misdemeanor/felony - consecutive

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-831.pdf

Trial court erred in sentencing appellant for a DV conviction in the sentencing entry when it failed to do so during the sentencing hearing. Court also erred when it imposed consecutive sentences for a misdemeanor and a felony. "R.C. 2929.41 imposes limits on a court's ability to order consecutive sentences. With statutory exceptions that do not apply here, 'a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for a felony. . . .' R.C. 2929.41(A). '[P]ursuant to R.C. 2929.41(A)[,] a trial court must impose concurrent sentences for felony and misdemeanor convictions unless the exception within R.C. 2929.41(B)(3) for certain motor vehicle offenses applies.' *State v. Studgions*, 2016-Ohio-4701, ¶ 3 (8th Dist.), citing State v. Polus, 2016-Ohio-655." Finally, the court failed to adequately support the imposition of consecutive sentences at the sentencing hearing. Judgment reversed and vacated in part and remanded for resentencing.

Ninth Appellate District of Ohio

***State v. Beckett*, 2026-Ohio-697**

No contest plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2026/2026-Ohio-697.pdf

Appellant's no contest pleas to multiple felony offenses were not knowingly, intelligently, and voluntarily made were "the trial court it did not adequately discuss the maximum penalties involved pursuant to Crim.R. 11(C)(2)(a), nor did the trial court discuss the effect of a no contest plea pursuant to Crim.R. 11(C)(2)(b). In regard to Crim.R. 11(C)(2)(a), the trial court noted the maximum prison sentence and fine associated with each underlying offense contained in the indictment. Notably, however, with respect to the charge of failure to comply with the order or signal of a police officer in violation of R.C 2921.331(B), the trial court neglected to mention that [appellant] was required to serve the prison term for that offense consecutive to any other prison term imposed upon him pursuant to R.C. 2921.331(D). The trial court also failed to discuss the penalties associated with the firearm specifications contained in counts one, three, and four of the indictment. Furthermore, with respect to Crim.R. 11(C)(2)(b), the trial court failed to discuss the effect of [appellant's] no contest plea at the hearing, other than to state in passing that the court could proceed to judgment and sentencing upon accepting the plea . . . As these failures on the part of the trial court amount to a complete failure to comply with multiple portions of Crim.R. 11, a prejudice analysis is unnecessary in order to warrant the vacation of [appellant's] pleas." Pleas vacated, and case remanded.

Tenth Appellate District of Ohio

***State v. Gill*, 2026-Ohio-748**

Sufficiency; WUD and tampering

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2026/2026-Ohio-748.pdf

In convictions for WUD (tried to the bench) and tampering (tried to a jury), convictions reversed and judgment of acquittal entered. State failed to present sufficient evidence that appellant had a disability during its case-in-chief; thus, appellant's Rule 29(A) motion for acquittal should have been

granted. As for the tampering conviction, "state failed to produce any evidence that [appellant] altered, destroyed, concealed or removed a gun with a purpose to impair its availability as evidence. More specifically, [] the state presented evidence only that he possessed a gun on October 22, 2022 and law enforcement did not recover the gun during the investigation, thereby improperly conflating law enforcement's inability to locate the gun with proof that [appellant] altered, destroyed, concealed or removed the gun."

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

***State v. Runyone*, 2026-Ohio-776**

Reagan Tokes Act

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2026/2026-Ohio-776.pdf

In conviction for burglary, "trial court erred by imposing an indefinite prison term without providing all of the mandatory statutory notifications required by R.C. 2929.19(B)(2)(c)(i)–(v) ("Reagan Tokes Notifications") during the sentencing hearing." Case "remanded for the sole and limited purpose of resentencing to ensure compliance with R.C. 2929.19(B)(2)(c)."

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

***Villarreal v. Texas*, 607 U.S. ___ (2026)**

Sixth Amendment; right to counsel

Full Decision:
https://www.supremecourt.gov/opinions/25pdf/24-557_l5gm.pdf

David Villarreal's murder trial culminated with his own testimony. That testimony was interrupted by a 24-hour overnight recess, during which the trial judge instructed Villarreal's attorneys not to "manage his testimony." 707 S. W. 3d 138, 142. The judge clarified, however, that Villarreal was not prohibited from talking to his attorneys and recognized Villarreal's constitutional right to confer about certain topics, such as possible sentencing issues. Villarreal resumed his testimony 24 hours later and was subsequently convicted of murder. On appeal, the Texas Court of Criminal Appeals concluded that the order was a permissible exercise of the trial court's discretion.

Held: A qualified conferral order that prohibits only discussion of the defendant's testimony for its own sake during a midtestimony overnight recess permissibly balances the defendant's Sixth Amendment right to counsel against the burden of offering unaltered trial testimony and does not violate the Constitution. Pp. 4–14.

(a) The Sixth Amendment guarantees as "fundamental" a criminal defendant's right to consult with counsel. **Powell v. Alabama,** ***287 U. S. 45, 68. When a defendant takes the witness stand, however, he "[a]ssum[es] the position of a witness," with its attendant "criticisms and burdens."*** **Reagan v. United States,** ***157 U. S. 301, 305. These include the inability to receive advice from counsel aimed at "influenc[ing] the testimony in light of the testimony already given."*** **Geders v. United States,** ***425 U. S. 80, 87. In*** **Geders,** ***the Court held that a judge may not entirely prevent a testifying defendant from conferring with his lawyer during an overnight recess, reasoning that a defendant differs from a normal witness because he has matters "other than his own testimony" to discuss, such as "tactical decisions," "strategies," and the "significance of the day's events."*** **Id.,** ***at 88. In*** **Perry v. Leeke,** ***488 U. S. 272, 283–284, however, the Court held that a judge may prevent a testifying defendant from conferring with his lawyer during a brief daytime recess because "there is a virtual certainty that any conversation" during such a recess "would relate to the ongoing testimony," and a defendant does not have a protected Sixth Amendment right to discuss ongoing testimony with his lawyer. Pp. 4–7.***

(b) The line between **Geders** ***and*** **Perry** ***is substantive, not merely temporal.*** **Perry's** ***premises are content based: A testifying defendant has a constitutional right to consult about matters such as "the availability of other witnesses, trial tactics, or . . . plea bargain[ing]," 488 U. S., at 284, but where no nontestimony topics are involved, the Sixth Amendment provides no constitutional right to consultation during breaks in testimony,*** **id.,** ***at 281. A defense attorney may rehearse a client's testimony before the client takes the stand and debrief testimony after the***

client leaves the stand for good. But while the defendant is sworn in as a witness, consultation about the testimony itself—rather than incidental discussion of testimony in service of other protected topics—sheds its constitutional protection. This conclusion follows from the Court's precedents as well as from the basic principles underlying conferral orders. Conferral orders embody the traditional practice of witness sequestration, refashioned to accommodate the special protections of a defendant; a rule prohibiting discussion of testimony for its own sake mimics sequestration within constitutional bounds and advances the central truth-seeking function of the trial, see* Portuondo v. Agard, *529 U.S. 61, 73. Pp. 7–10.

(c) The trial judge's order here prohibited Villarreal's lawyers from "managing" his "ongoing testimony." This order permissibly balanced the truth-seeking function of the trial against Villarreal's right to discuss protected topics with his lawyers—things like trial strategy, whether to consider a guilty plea, and factual information crucial to tactical decisions. A court cannot prohibit a defendant from obtaining his attorney's advice on whether and why he should consider a guilty plea, even if the "why" includes the impact of ongoing testimony on the trial's prospects. But it may, like the court here did, prohibit discussion of testimony as such. Pp. 10–12.

(d) The Court rejects Villarreal's request for a bright-line rule permitting no restrictions overnight to prevent chilling of protected discussion. Courts of appeals that have prohibited uncompromising no-testimony-discussion orders reasonably feared that directives preventing all discussion of testimony would be impermissibly overbroad. An order prohibiting only discussion of "nothing but the testimony,"* Perry, *488 U.S., at 284, does not present the same concern. Consultation about testimony itself—practicing it, debriefing it, and the like—is a recognized, distinct tool in every trial lawyer's preparatory arsenal, and lawyers ordered to sheathe that tool overnight will have no difficulty doing so. Pp. 12–13.

707 S. W. 3d 138, affirmed.

JACKSON, J., delivered the opinion of the Court, in which ROBERTS, C. J., and ALITO, SOTOMAYOR, KAGAN, KAVANAUGH, and BARRETT, JJ., joined. ALITO, J., filed a concurring opinion. THOMAS, J., filed an opinion concurring in the judgment, in which GORSUCH, J., joined.