Appellate Court Decisions –week of 4/13/26

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

First Appellate District of Ohio

***State v. Hauser*, 2026-Ohio-1366**

Sufficiency; theft without consent

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2026/2026-Ohio-1366.pdf

In conviction of theft of property without consent after no contest plea, state needed to provide an explanation of circumstances that "demonstrate[d] that S.K. did not consent to [appellant's] control over the beverages when he served [appellant] the beverages. But the State's explanation of circumstances affirmatively negated the without-consent element of the theft charge because it showed that S.K. consented to [appellant's] possession of the beverages when he served them to [appellant] . . . the State explained that [appellant] purposely deprived S.K. and his bar of $69.33 worth of property and services, without S.K.'s consent, 'by providing a credit card that was ultimately declined for the amount of the tab that she had rang [sic] up and consumed at the bar and failed to make any payment for those drinks consumed.'" However, the explanation revealed that appellant did have "the owner's consent to obtain control over the drinks at the time that she came into possession of them." And the trial court's explanation that it believed that appellant knew the credit card would be declined did not support the conviction because that reasoning meant that the State had charged appellant under the wrong statutory section. "[I]t should have charged [appellant] with theft by deception under R.C. 2913.02(A)(1)." Conviction reversed, and appellant discharged.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Woods*, 2026-Ohio-1349**

Community control violation; expiration of term

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-1349.pdf

Although one of the four community control violations was filed and notice given to appellant before her term of community control expired, the other three "were untimely and therefore the trial court lacked authority to proceed upon them." And as it appeared the trial court based its revocation decision and imposition of a 36-month prison term on all four violations, judgment is reversed. Case "is remanded to the trial court with instructions to limit its consideration to only the June 19, 2020 notice of violation and evidence introduced in support thereof in determining whether appellant's community control should be revoked."

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. Humphries*, 2026-Ohio-1384**

Statute of limitations/IAC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-1384.pdf

In conviction for misdemeanor DV, appellant's trial counsel provided ineffective assistance of counsel where counsel failed to "raise an argument about the statute of limitations in the motion to dismiss . . . R.C.

2901.13(A)(1)(b), , provides that the prosecution of a misdemeanor, other than a minor misdemeanor, is barred unless commenced within two years after the offense is committed. Here, the offense occurred in August 2020 and the prosecution was not commenced until 2025." State concedes error. Conviction reversed.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Glover*, 2026-Ohio-1332**

Crim.R. 48(A)/motion to dismiss

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2026/2026-Ohio-1332.pdf

In state's appeal (with defendant-appellee agreeing), trial court erred in denying the state's motion to dismiss the aggravated menacing charge against appellee where the alleged victim nor her father experienced any fear during the encounter with [appellee]. COA finds "there was 'good cause' for the State to seek leave to dismiss the aggravated menacing charge against [appellee]. In other words, the State fundamentally demonstrated it lacked sufficient evidence to prove beyond a reasonable doubt that [appellee] knowingly caused A.H. to believe he would cause her serious physical harm (or any such harm to her property)." Judgment reversed.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

***United State v. Appellant*, No. 24-4068**

Motion to withdraw plea

Full Decision:
http://www.opn.ca6.uscourts.gov/opinions.pdf/26a0115p-06.pdf

District court erred in denying appellant's motion to withdraw his guilty plea without an evidentiary hearing. Appellant raised "factual disputes bearing directly on the knowing and voluntary nature of his plea that are not clearly dispelled by the record . . . it is not clear from the record that [appellant] had an opportunity to review the Plea Agreement before the hearing, and the district court stated at the start of the hearing that it was apparent [appellant] was not prepared. [Appellant's] failure to initial one page of the Agreement provides some support for his contention that the decision—and the procedures surrounding it—were rushed and uninformed. Finally, the fact that [defense counsel's] resignation was due to a pending disciplinary action related to his problems with representation of other clients lends some credence to [appellant's] assertion of ineffective assistance of counsel." Next, "[t]he unresolved factual disputes in the record, coupled with [appellant's] multiple attorneys for short periods of representation interspersed with no representation at all, and his representation by an attorney who was undergoing disciplinary proceedings related to his legal practice, 'bear directly' on whether the court should have granted [appellant's] motion to withdraw . . . Finally, recall that [appellant was] appealing the district court's denial of his motion to withdraw his plea and also asserting constitutional claims, arguing that his plea was not valid under the Due Process Clause and that he was denied effective assistance of counsel . . . While the denial of [appellant's] motion to withdraw his plea and the plea's validity can be raised on direct review, an ineffective assistance claim must generally be raised in a collateral proceeding under 28 U.S.C. § 2255." Therefore, appellant would be "faced with an impossible choice: he could attempt to assert his IAC claim on an undeveloped record, which would likely preclude later collateral review, or pursue his directly appealable claims without the IAC claim, which would undercut the key element supporting their merit. Given these unusual circumstances, not holding an evidentiary hearing constituted an abuse of discretion." Case remanded for court to hold such a hearing.

Supreme Court of the United States

Nothing to report.