Appellate Court Decisions –week of 5/11/26

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

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Lett*, 2026-Ohio-1709**

Prosecutorial misconduct/DNA

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-1709.pdf

In convictions for multiple sex offenses, "prosecutorial misconduct in the misrepresentation of the DNA reports and the DNA and Y-STR expert witnesses' testimony deprived [appellant] of a fair trial." And such misconduct was prejudicial, as "the remaining evidence does not rise to the level of 'overwhelming proof' of [appellant's] guilt. *State v. Harris*, 2012-Ohio-2973, ¶ 23 (9th Dist.). Case remanded for a new trial.

Fifth Appellate District of Ohio

***State v. Largent*, 2026-Ohio-1689**

Sentencing/merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-1689.pdf

Appellant's convictions for 17 counts of theft and 17 counts of RSP affirmed, as well as merger of the theft charges with the RSP charges. State then

elected to proceed on sentencing for the RSP convictions. However, trial court erred when it sentenced appellant to 12 months on each count, with one count to run consecutively to 12 months on the other 16 counts. "[E]ach of the 17 counts for which the appellant was being sentenced stemmed from the singular act of taking the victim's wallet. There is no evidence that the appellant treated any of the credit cards differently, or that they were removed from the wallet, and we find nothing in the record that distinguishes count 18 from counts 19 - 34. Accordingly, we find that counts 18 – 34 each arose from the same animus, and should therefore all have merged for the purposes of sentencing." Judgment reversed, and case remanded.

***State v. Schroer*, 2026-Ohio-1711**

Plea agreement/judicial release

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-1711.pdf

Trial court erred in denying appellant's motions for judicial release where the plea agreement which was accepted by the court indicated that appellant would receive a four-year prison sentence "with judicial release after a year given good behavior in that institution." Such denial appeared to be at least partially based upon the state's objection, and such objection was a breach of the plea agreement. Although the state based its objection on the appellant's criminal history and the underlying criminal conduct, this history and conduct was known to the state at the time of the plea bargain. Case remanded for trial court to consider judicial release without the state opposing the motions based only upon information it knew of at the time of the plea.

Sixth Appellate District of Ohio

***State v. Eliyas*, 2026-Ohio-1682**

Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-1682.pdf

Appellant's conviction for aggravated possession of drugs is affirmed. However, trial court erred by failing "to make the R.C. 2929.19(B)(2)(c) Tokes mandatory advisements at the sentencing hearing, necessitating

that this case be reversed and remanded to the trial court for the limited purpose of a resentencing hearing, in order to permit the trial court to provide the mandatory notifications."

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

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.