Appellate Court Decisions –week of 6/8/26

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

First Appellate District of Ohio

***In re: K.J.*, C-250488, 489, 490, & 491**

Suppression; credibility of officer's reason for stop

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

Juvenile court erred when it "failed to consider the legality of the initial police encounter in denying [appellant's] motion to suppress . . . the question of whether the police had reasonable suspicion to stop [appellant] could only be resolved by determining whether the officer's testimony that [appellant] jaywalked was credible. Because the credibility of witnesses is a matter for the juvenile court to resolve in the first instance, [COA] remand[s] the matter so the court below can resolve that foundational issue."

***State v. Irby*, C-250536**

Sexual offender registry; credit for registering in another state

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

Trial court erred in denying appellant's motion to dismiss the indictment for failing to verify address "because [appellant] had fulfilled his registration requirements under Ohio law and he is no longer required to register as a sexually oriented offender." Appellant "has complied with Ohio's ten-year registration requirement, if the time he registered in Ohio is added with the time he registered in Minnesota . . . The exhibits attached to [appellant's] motion to dismiss the indictment show that he has registered for the ten-year period required under Ohio law, even if he has, at times, not been compliant. Since [appellant] has shown that he has registered for the required ten-year period, he is no longer required to register." Conviction reversed, and appellant discharged from further prosecution.

***State v. Dockery*, C-250359**

Venue

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

Although appellant failed to argue venue at the trial court level, he did argue plain error in the appeal. COA reviewed for plain error and concluded that the State failed to prove venue beyond a reasonable doubt. Case remanded for trial court to dismiss the charge of criminal damaging.

Second District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Powell*, 2026-Ohio-2142**

Speedy trial/R.C. 2941.401

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2026/2026-Ohio-2142.pdf

In State's appeal, trial court did not err in granting appellee's motion to dismiss the indictment against him with prejudice. "Here, competent and credible evidence exists to show [appellee] fulfilled the statutory requirements under R.C. 2941.401 by causing the Notice and Request to be delivered to the warden. The facts are insufficient to determine whether the address provided was sufficient to ensure delivery to the prosecutor. Regardless, [appellee] performed his duty by causing the form to be delivered to the warden. Upon such delivery, the duty inured to the State to ensure the form was delivered to the address provided. It failed to do so. R.C. 2941.401 'places no duty on the inmate to follow up on the return receipt of the certified mail.' *State v. Gill*, 2004-Ohio-1245, ¶ 14 (8th Dist.). Accordingly, and pursuant to *Williams*, the statutory timeline began when [appellee] caused delivery to the warden and expired after 180 days." As four years had passed since appellee caused delivery to the warden, the trial court lacked jurisdiction to hear the case. Judgment affirmed.

Fourth Appellate District of Ohio

***State v. Powell*, 2026-Ohio-2069**

Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-2069.pdf

Convictions for, inter alia, felonious assault affirmed. However, "[b]ecause the trial court did not impose a stated minimum term for the felonious assault charge at [appellant's] original sentencing hearing, [COA] must remand this case for resentencing."

Fifth Appellate District of Ohio

***State v. Anderson*, 2026-Ohio-2152**

Sentencing/community control

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-2152.pdf

Convictions for, inter alia, possessing criminal tools affirmed. However, trial court erred when it imposed a prison sentence for the fifth-degree felony. "R.C. 2929.13(B)(1)(a) creates a presumption in favor of community-control sanctions for nonviolent fourth-and fifth-degree felonies when specified criteria are met . . . because [appellant] satisfied the criteria in R.C. 2929.13(B)(1)(a), the trial court was required to impose community control rather than a prison sentence." The exceptions to this rule where prison can be imposed include "circumstances where the offender: committed the offense while having a firearm on or about the offender's person or under the offender's control; caused physical harm to another person while committing the offense; violated bond conditions; attempted or threated physical harm with a deadly weapon; had previously served a prison term; or committed the offense while under community control, probation, or release on bond or recognizance." None of these exceptions applied. The trial court based its decision to impose a prison term due to appellant's juvenile adjudication for complicity to commit aggravated robbery. However, "a trial court may not use a prior juvenile adjudication as a triggering exception to impose prison time. Likewise, [COA] finds here that [appellant's] prior juvenile adjudications were insufficient to trigger an exception under R.C. 2929.13(B)(1)(b) making [appellant] eligible for a prison term." State concedes error. 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. Sipos*, 2026-Ohio-2190**

Mistrial/dismissal with prejudice; discovery violation; plain error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-2190.pdf

In State's appeal, trial court did not err in declaring a mistrial and dismissing the case against appellee with prejudice after it was discovered that a recorded interview by police was never turned over to the defense. State appealed this ruling; but the "State did not oppose the defense's motion for a mistrial, raise any objections, propose alternative solutions or sanctions, or challenge the trial court's ruling." Therefore, "State waived all but plain error under Crim.R. 52(B) and bears the burden of establishing that error on appeal . . . However, the State also fails to argue plain error on appeal. 'Where a party fails to object to an error to the court below and then fails to make an argument that plain error occurred on an appeal, we will not consider the issue.'" Judgment dismissing case with prejudice affirmed.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

***State v. Traish*, 2026-Ohio-2133**

Sufficiency/identity; trafficking in harmful intoxicants and improperly dispensing or distributing nitrous oxide

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2026/2026-Ohio-2133.pdf

Evidence was insufficient to support appellant's convictions for trafficking in harmful intoxicants and improperly dispensing or distributing nitrous oxide. "Appellant was not physically present at the store during the controlled purchase (by the police) or its subsequent search." Nor did the

State present any evidence that appellant was connected to the store's operations. Finally, although the clerk who sold the nitrous oxide called his "boss" whose name the detective believed was "Muhammad," this did not establish "the requisite nexus" between appellant and the perpetrator. Convictions reversed, and appellant discharged from further prosecution.

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.