Appellate Court Decisions –week of 8/10/26

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

First Appellate District of Ohio

Nothing to report.

Second District of Ohio

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Oneill*, 2026-Ohio-3091**

Guilty plea

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-3091.pdf

Appellant's guilty plea was not made knowingly, intelligently, nor voluntarily where the trial court failed to advise him of his constitutional right to a jury trial required by Crim.R. 11(C)(2)(c). Plea vacated, and case remanded.

Fifth Appellate District of Ohio

***State v. Cox*, 2026-Ohio-3072**

Consecutive sentences

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-3072.pdf

Convictions for multiple counts of retaliation affirmed. However, trial court failed to make the required findings to support the imposition of consecutive sentences. Case remanded for resentencing.

Sixth Appellate District of Ohio

***State v. Daniels*, 2026-Ohio-3050**

Suppression/lack of findings of fact

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-3050.pdf

Denial of motion to suppress search of appellant's person incident to arrest affirmed. However, trial court erred in denying appellant's motion to suppress search of residence without a warrant because there were no exigent circumstances to justify the initial entry by police. "[T]he officers in this case did not have an objectively reasonable basis for their belief that evidence would be destroyed and instead acted on the possibility that evidence could be destroyed. The Fourth Amendment requires more than a mere unsubstantiated possibility of the destruction of evidence to dispatch with the warrant requirement." However, the trial court did not consider whether the second search after a warrant was obtained and the seizure of drugs and money would be justified by the independent source doctrine. Case remanded for court to determine if that doctrine applied.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Gilree*, 2026-Ohio-3026**

Guilty plea/agreed sentence

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3026.pdf

Appellant's guilty plea was not made knowingly, intelligently, nor voluntarily. Appellant and the State had reached a plea agreement where he would plead guilty to an amended charge of attempted menacing by stalking, a fifth-degree felony, and there would be a jointly recommended sentence of probation. During the plea colloquy, the trial court never mentioned that it "was not bound by the recommendation of probation;" it then proceeded to impose a 12-month prison sentence. "Again, the trial court did not advise [appellant] of its intentions to not impose the agreed recommended sentence of probation. Nor did the trial court give

[appellant] an opportunity to reconsider his plea in light of the trial court's decision not to follow the agreed recommended sentence. When an agreed recommended sentence forms the basis of the plea, the sentence itself is part of the quid pro quo for the agreed plea. *Jordan*, 2024-Ohio-2361, at ¶ 27 (8th Dist.). Although the trial judge is free to accept or reject that agreement, it is incumbent upon the court to do so expressly. To hold otherwise creates a false expectation in the mind of the defendant over the underlying nature of the plea agreement. *Id.*, quoting *State v. Huffman*, 2018-Ohio-1192, ¶ 20 (8th Dist.)." (Internal quotations omitted). Because appellant reasonably expected that the trial court would impose the agreed-upon sentence, "due process requires that a defendant be advised that the trial court is not bound by the joint recommendation. Therefore, [COA] find[s] that the trial court erred when it did not advise [appellant] that the trial court was not bound by the agreed recommendation of probation before accepting [appellant's] guilty plea. As a result, [COA] find[s] that [appellant's] plea was not knowingly, intelligently, or voluntarily entered." Plea vacated, and case remanded.

***State v. Simoneau*, 2026-Ohio-3023**

Reagan Tokes

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3023.pdf

Trial court's findings of guilt after guilty plea affirmed. However, trial court erred when it failed "to properly advise [appellant] of postrelease control and to provide all the Reagan Tokes notifications required by R.C. 2929.19(B)(2)(c)." Case remanded for a limited resentencing.

***State v. Love*, 2026-Ohio-2940**

Merger

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-2940.pdf

Convictions for, inter alia, attempted murder and felonious assault affirmed. However, "committed plain error by failing to merge those two offenses as allied offenses of similar import under R.C. 2941.25," as "these offenses arose from the same sequence of [appellant] repeatedly shooting into the Nissan while K.C. was in the vehicle. The offenses were not of dissimilar import, were not committed separately, and were not committed with separate animus." State concedes error. Case remanded for limited resentencing.

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.