Appellate Court Decisions –week of 8/17/26

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

First Appellate District of Ohio

***State v. Maiocco*, C-250498**

Duplicative charge/no complaint filed

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

Appellant's convictions for assault and disorderly conduct affirmed. However, second conviction for disorderly conduct vacated, as the State did not file a complaint for the duplicative offense.

Second District of Ohio

Nothing to report.

Third Appellate District of Ohio

***State v. Kaman*, 2026-Ohio-3160**

Protection order/prosecution of protected party/dismissal

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2026/2026-Ohio-3160.pdf

In State's appeal, trial court did not err in dismissing a criminal complaint charging appellant, who was the protected party of a criminal protection order issued by the court against her husband, with complicity to violating a protection order. Although appellant had permitted communication between herself, her children, and her husband, she was immune from prosecution pursuant to the OSC's decision in *State v. Lucas*, 2003-Ohio-4778. "The court has unequivocally held that '[a]n individual who is the protected subject of a temporary protection order may not be prosecuted for aiding and abetting the restrainee under the protection order in violating said order.' *Lucas* at paragraph one of the syllabus . . . the rationale is clear and absolute: protection orders are designed to regulate the behavior of the respondent, not the petitioner. *See Lucas* at ¶ 38-39. Importantly, the Supreme Court emphasized that holding a protected party criminally liable for complicity is effectively issuing and enforcing a mutual

protection order without adhering to the statutory requirements and due process mandated by the General Assembly. *Id.* at ¶ 30. The court further noted that 'an invitation by the petitioner for the respondent to violate the terms of a protection order [is] irrelevant to a respondent's guilt. Protection orders are about the behavior of the respondent and nothing else.' *Id.* at ¶ 39. Therefore, [COA] conclude[s] that the presence of additional protected parties does not shift criminal liability to a co-protected person."

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

***State v. Driver*, 2026-Ohio-3175**

PRC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-3175.pdf

Trial court erred in advising appellant that he faced up to two years of PRC without also advising him of "what might happen to [appellant] under R.C. 2967.28(F)(3) if [appellant] violated any supervision requirements imposed by the Adult Parole Authority during any PRC period: the extension of that period to perhaps the full two-year maximum length, more restrictive supervision conditions, and perhaps some additional prison time." Case remanded for court to advise appellant.

***State v. Willey*, 2026-Ohio-3177**

Sentencing/mandatory term

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2026/2026-Ohio-3177.pdf

Convictions for, inter alia, burglary with firearm specifications affirmed. Prison term of ten years affirmed, including consecutive sentences. However, trial court erred when it "deemed eight of those years to be mandatory time . . . the only offenses that required mandatory prison time were the two one-year firearm specifications . . . ." Case remanded "for the redetermination of the mandatory status of the prison terms imposed on the underlying burglary offenses."

Sixth Appellate District of Ohio

***State v. Wright*, 2026-Ohio-3198**

CC violation/consecutive sentences/PRC/allocution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-3198.pdf

Finding that appellant violated his CC affirmed. However, trial court erred when it failed to make the required findings to support consecutive prison terms pursuant to R.C. 2929.14(C)(4). Court also erred when it "failed to orally provide the post-release notifications mandated by R.C. 2929.19(B)(2)(e)." Finally, court erred when it "failed to give any opportunity for [appellant] to speak at the community control revocation hearing." State concedes errors. Case remanded.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

***State v. Harrison*, 2026-Ohio-3122**

Forced medication/hearing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3122.pdf

Trial court erred in ordering forced medication for appellant. COA determined that the forced meds' hearing is a critical state in a criminal proceeding. Accordingly, defense counsel's waiver of appellant's presence at such hearing and stipulation to her client being forcibly medicated, while appellant's motion to disqualify said counsel was pending, was a violation of appellant's due process rights and Sixth Amendment right to counsel. COA finds that appellant's motion to disqualify "clearly articulated a breakdown of communication in the attorney-client relationship of such magnitude as to jeopardize a defendant's right to effective assistance of counsel. Therefore, [COA] find[s] that the trial court abused its discretion when it denied without hearing [appellant's] motion to disqualify counsel and appoint new counsel. Because [appellant] should have been appointed new counsel, we find that [appellant's] due-process rights were violated."

Order vacated, and case remanded.

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

***State ex rel. King v. Lyons*, 2026-Ohio-3174**

Mandamus; record sealing

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2026/2026-Ohio-3174.pdf

Mandamus—Rules of Superintendence for the Courts of Ohio—Relator seeks an order compelling the unsealing of case files sealed by court order pursuant to Ohio statutes—Nothing in the record demonstrates that trial court failed to comply with the law when it issued sealing orders—Writ denied."

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.