Appellate Court Decisions –week of 10/5/26

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

***State v. Cunigan*, 2026-Ohio-3887**

RVO specifications/consecutive sentences; violent offender database

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2026/2026-Ohio-3887.pdf

Convictions for, inter alia, murder affirmed. However, trial court erred when it "ordered the prison terms for the RVO specifications to run consecutively without making the requisite consecutive sentence findings pursuant to R.C. 2929.14(C)(4) . . . while the sentences imposed for the RVO specifications were required by statute to be served consecutively to and prior to their underlying felony offenses, there is no statutory requirement for the prison terms imposed for the RVO specifications to be served consecutively to one another. The trial court, therefore, has discretion to order the additional prison terms for the RVO specifications to be served consecutively to each other. *State v. Krug*, 2009-Ohio-3815, ¶ 174-175 (11th Dist.). But to do so, the trial court was required to make consecutive sentence findings pursuant to R.C. 2929.14(C)(4); it did not." COA also sua sponte fount an error in the sentencing entry because "the trial court failed to include the fact that [appellant] was found guilty by the court of the violent offender specification on the three murder counts." Finally, "the trial court never provided the notifications required by R.C. 2903.42(A)(1)(a) before sentencing [appellant]. Consequently, [appellant] was never informed by the trial court of the statutory presumption that he was required to enroll in the violent offender database and of his ability to file a written motion to rebut the presumption. Furthermore, [appellant] was not made aware of the effect of the rebuttal or the post-rebuttal hearing procedures and possible outcomes." Case remanded to correct these errors.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

***State v. Roberts*, 2026-Ohio-3899**

Forfeiture

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2026/2026-Ohio-3899.pdf

Convictions for felonious assault and inducing panic affirmed. However, trial court plainly erred in ordering forfeiture of appellant's] firearm and ammunition, as "the indictment contained no forfeiture specification, the jury returned no forfeiture verdict, and the State did not comply with Ohio's criminal forfeiture statutes." Case remanded.

Eighth Appellate District of Ohio

***State v. Harris*, 2026-Ohio-3854**

PRC/allocution

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3854.pdf

Prison term of 12 years on resentencing affirmed. However, trial court erred when it failed to provide the required PRC advisements pursuant to R.C. 2929.19(B) and (C). Court also "erred when it converted his allocution into a motion for early judicial release and then denied it . . . when [appellant] was communicating with the court at the resentencing hearing, he exercised his right to allocution; he did not make an oral motion for

judicial release." Case remanded for trial court to properly advise appellant of PRC; court's denial of judicial release also reversed, and case remanded for court to issue an entry deleting any reference to judicial release.

***State v. Owens*, 2026-Ohio-3962**

Consecutive sentences/nunc pro tunc entry

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3962.pdf

Convictions and sentences in four cases affirmed. However, trial court failed to include the findings the court made at the sentencing hearing to support the imposition of consecutive sentences. Case remanded for court to issue a nunc pro tunc sentencing entry which includes those findings.

***State v. Hilliard*, 2026-Ohio-3966**

PRC/nunc pro tunc entry

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2026/2026-Ohio-3966.pdf

Convictions and 12-to-15-year sentence for various offenses relating to a shooting affirmed. However, there was "a scrivener's error in the final entry of conviction related to the postrelease control imposed on Count 2, the second-degree felonious-assault offense. At the sentencing hearing, the trial court correctly noted that the appropriate postrelease-control term would be 18 months and up to three years under R.C. 2967.28(B)(3). The journal entry imposed a two- to five-year term. The State concedes the error." Case remanded for trial court to issue a nunc pro tunc sentencing entry with the correct PRC term.

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 v. McClain*, 2026-Ohio-3934**

Sufficiency; substantial impairment rape & IAC

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2026/2026-Ohio-3934.pdf

Yet another State appeal where COA decision is reversed.

Criminal law—Sufficiency of the evidence—R.C. 2907.02(A)(1)(c)—State presented sufficient evidence of all the elements of rape under R.C. 2907.02(A)(1)(c)—Defendant was not denied effective assistance of counsel [for failing to object to inadmissible testimony].

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.