Appellate Court Decisions –week of 9/28/26

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

First Appellate District of Ohio

***State v. Sweeten*, C-250664**

Restitution

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

"Because the State failed to introduce any evidence that would support th[e $213.66 restitution] amount—or any amount—of restitution," trial court erred in ordering appellant to pay restitution after his conviction for RSP of a handgun. Restitution order vacated, and case remanded for new restitution hearing.

***In re: D.H.*, C-250724 & 725**

Lack of probable cause/final, appealable order

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

In State's appeal from juvenile court's orders dismissing one count of felony murder and one count of felonious assault, COA holds that, based upon the OSC decision in *State v. Turner*, 2026-Ohio-1996, the dismissals are not final, appealable orders. Appeals are dismissed, as COA lacks jurisdiction.

Second District of Ohio

***State v. Temple*, 2026-Ohio-3758**

CCW; *Bruen* and age restriction

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2026/2026-Ohio-3758.pdf

In State's appeal, trial court did not err in dismissing indictment which charged 19-year-old appellant with CCW. "[R]estricting a person's ability to possess a concealed firearm, based solely on the person's age, was unconstitutional as applied to 18- to 20-year-olds." *See State v. Matosky*, 2025-Ohio-5658 (2d Dist.), discretionary appeal allowed by *State v. Matosky*, 2026-Ohio-1248.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

***State v. Ruff*, 2026-Ohio-3839**

PRC/sentencing error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2026/2026-Ohio-3839.pdf

Conviction and sentence for burglary affirmed. However, "trial court erred in its sentencing entry by stating post-release control is discretionary when it should have been mandatory in this case." Case remanded "for the limited purpose of correcting the sentencing entry."

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

***State v. Avell*, 2026-Ohio-3774**

Religious rights under Ohio and U.S. Constitutions

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2026/2026-Ohio-3774.pdf

Conviction for fire code violation for operating a ministry that is open 24 hours a day and 7 days a week is vacated and remanded to the trial court to consider "whether the application of the fire code to appellant in this case is unconstitutional." And even though appellant's challenge was untimely under Crim.R. 12, the City failed to object when appellant continuously argued the unconstitutionality of the statute throughout the trial.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

***State v. Karr*, 2026-Ohio-3858**

Sufficiency; forfeiture specification

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2026/2026-Ohio-3858.pdf

Conviction for discharging a firearm into a habitation. However, conviction for the firearm-forfeiture specification is vacated where the firearm recovered was determined to not be the gun used in the offense. Case remanded.

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. Bradley*, 2026-Ohio-3771**

Self-defense instruction/plain error

Full Decision:
https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2026/2026-Ohio-3771.pdf

Criminal law—Crim.R. 52(B)—For an error to be plain error, it must be a clear error under current law—The standard for whether an error affects a defendant's substantial rights is whether the outcome would have been different, not whether it may have been different—Court of appeals erred in determining that trial court's failure to give an unrequested jury

instruction on transferred self-defense was plain error because current law did not clearly require the instruction and defendant failed to demonstrate that trial's outcome would have been different had trial court instructed jury on transferred self-defense—Judgment reversed and cause remanded.

Once again, this was a State's appeal. And once again, a dissent by Brunner.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.