

Appellate Court Decisions - Week of 1/15/18

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

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

Nothing to report.

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

Nothing to report.

Eighth Appellate District of Ohio

State v. Austin, 2018-Ohio-173

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-173.pdf>

Summary from the Eighth District: “Court’s error in characterizing the sentence for an offense as requiring a mandatory prison sentence was not harmless because the court’s statement that the mandatory aspect of the

sentence put it “in a box” indicated the possibility that it might not have ordered a prison term but for mistakenly believing that it must order a prison term.”

State v. Boyce, 2018-Ohio-168

Sex Offender Classification: Remand

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-168.pdf>

Summary from the Eighth District: “Prior mandate from the appellate court in the case did not limit the record for the trial court’s determination of appellee’s sexual offender classification upon the earlier remand, and the trial court erred by failing to conduct a complete hearing and by failing to consider all available evidence in rendering its determination. The trial court’s classification of appellee as a sexually oriented offender was reversed, and the case was remanded for the trial court to conduct a proper sexual offender classification hearing in accordance with former R.C. 2950.09 and *State v. Eppinger*, 91 Ohio St.3d 158, 743 N.E.2d 881 (2001).”

In re: D.C., 2017-Ohio-163

Delinquency: Rape: Gross Sexual Imposition

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-163.pdf>

Summary from the Eighth District: “Testimony that juvenile took victim’s hand and ‘drove it’ it into the victim’s ‘bottom,’ without clarification as to what the victim meant by the word “bottom,” is insufficient to establish penetration of the anal opening necessary for a charge of rape.”

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Richmond, 2018-Ohio-147

Sentencing: Restitution

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2018/2018-Ohio-147.pdf>

Summary from the Tenth District: “Judgment affirmed in part and reversed in part and case remanded with instructions to modify appellant’s sentence by reducing the restitution amount from \$3,773.26 to \$2,006.26. The original restitution amount was clearly and convincingly contrary to law because it included \$1,767.00 in damage that did not arise from a crime for which appellant was convicted, as required by R.C. 2929.18(A)(1).”

Hillman v. Larrison, 2018-Ohio-184

Citizen Complaint

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2018/2018-Ohio-184.pdf>

Summary from the Tenth District: “The trial court did not consider the documentary materials attached to appellant’s affidavit before concluding that his private citizen complaint under R.C. 2935.09(D) was not meritorious and declining to issue a warrant. Under R.C. 2701.03, this court is without jurisdiction to consider appellant’s accusations of the trial court’s judicial bias.”

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Supreme Court of the United States

Nothing to report.