

## Appellate Court Decisions - Week of 1/2/17

### First Appellate District of Ohio

*Nothing to report.*

### Second Appellate District of Ohio

**State v. Clark, 2016-Ohio-8508**

Escape: Sufficiency

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2016/2016-Ohio-8508.pdf>

Summary from the Second District: “The juvenile court’s amended entry of disposition, which reflects in part that Clark was delinquent and detained for conduct constituting a felony of the second degree if committed by an adult, is void because it does not reflect what occurred at Clark’s disposition. Pursuant to the original order of disposition, Clark was detained at CAS for conduct constituting a felony of the third degree if committed by an adult at the time of his escape. Appellant’s conviction for escape is supported by sufficient evidence, but his sentence is reversed and vacated, and the matter is remanded for resentencing at the reduced level of a felony three.”

### 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

*Nothing to report.*

## Ninth Appellate District of Ohio

**State v. Yschak, 2016-Ohio-8507**

*Batson*

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2016/2016-Ohio-8507.pdf>

**Well, apparently now the state is succeeding on *Batson* challenges.**

**State v. Oberholtz, 2016-Ohio-8506**

Search: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2016/2016-Ohio-8506.pdf>

**The trial court did not err in granting appellee's motion to suppress where the facts demonstrated that appellee's replies to the officer "did not clearly indicate that her 'consent' was an independent act of free will instead of mere acquiescence or submission \* \* \*." Basically, there was 11 seconds between approaching appellee for a domestic disturbance call, finding out the issue had been resolved, and asking appellee to consent to a search for anything illegal on her.**

## Tenth Appellate District of Ohio

*Nothing to report.*

## Eleventh Appellate District of Ohio

*Nothing to report.*

## **Twelfth Appellate District of Ohio**

**State v. Fillinger, 2016-Ohio-8455**

**Sentencing: House Arrest: Jail-Time Credit: R.C. 2929.01(P)**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2016/2016-Ohio-8455.pdf>**

**The trial court did not err in awarding jail-time credit to appellee for time he spent subject to postconviction electronic monitored house arrest. This appears to be a conflict with other districts, so it could make its way to the Supreme Court.**

## **Supreme Court of Ohio**

*Nothing to report.*

## **Sixth Circuit Court of Appeals**

*Nothing to report.*

## **Supreme Court of the United States**

*Nothing to report.*