

Appellate Court Decisions - Week of 1/21/19

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

State v. Turner, 2019-Ohio-144

Jury Instructions: Reckless Homicide

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-144.pdf>

Summary from the Second District: “Where Defendant charged with purposeful murder testified that he did not realize his handgun was loaded, he did not pull the trigger, and the gun ‘just went off’ during a struggle with someone who grabbed the weapon from inside a vehicle that was pulling away, the trial court erred by refusing to instruct the jury on the lesser included offense of reckless homicide. Judgment reversed on that conviction, affirmed as to all other convictions, and remanded for further proceedings. (Hall, J., concurring in part and dissenting in part.)”

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. Stanko, 2019-Ohio-152

Community Control Violation

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-152.pdf>

Summary from the Eighth District: “Following defendant’s conviction for fourth-degree felony, trial court erred in imposing 30-month sentence for her violations of community control that were based upon ‘technical violations.’ Under R.C. 2929.15(B)(1)(c)(ii), a maximum sentence of 180 days of imprisonment could be imposed.”

State v. Catron-Wagner, 2018-Ohio-153

Community Control Violation

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-153.pdf>

Summary from the Eighth District: “Appellant’s violations of her community control sanctions were technical violations and not new criminal offenses. The trial court’s 17-month sentence was contrary to law.”

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.