

Appellate Court Decisions - Week of 1/22/18

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

First Appellate District of Ohio

State v. Gage, 2018-Ohio-(Not listed on OSC website at time of writing)

Speedy Trial

Full Decision:

http://www.hamiltoncountyohio.gov/UserFiles/Servers/Server_3788196/File/releases/2018/C-160824A_01262018.pdf

Summary from the First District:

“Because defendant was charged with both a second-degree misdemeanor and a minor misdemeanor, the state had 90 days, the speedy-trial period for a second-degree misdemeanor, to bring him to trial.

“Where defendant waived a substantial amount of time, and a substantial amount of time was tolled due to his actions, defendant was tried within the statutory speedy-trial period.

“The state must exercise reasonable diligence to secure the availability of a defendant incarcerated in the county jail of another Ohio county; the issuance of a capias and execution within a reasonable time constitute reasonable diligence to secure the defendant.

“Though defendant was not tried for over a year after his arrest on misdemeanor charges, his constitutional right to a speedy trial was not violated because much of the delay was attributable to him, he did not assert his speedy-trial right until late in the proceedings, and his defense was not impaired by the delay.”

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

Nothing to report.

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

State v. Williams, 2018-Ohio-226

Forfeiture

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2018/2018-Ohio-226.pdf>

Summary from the Twelfth District: “The forfeiture of appellant's property was not done in accordance with Ohio's statutes on forfeiture where appellant was not given notice that his property was subject to forfeiture and the trial court did not conduct the proper proceedings before denying appellant's motion to return his property.”

Supreme Court of Ohio

State v. Banks-Harvey, 2018-Ohio-201

Inventory Search

Full Decision:

<https://supremecourt.ohio.gov/rod/docs/pdf/o/2018/2018-ohio-201.pdf>

“A law-enforcement agency’s policy that an arrestee’s personal effects must accompany the arrestee to jail cannot, on its own, justify the warrantless retrieval of an arrestee’s personal effects from a location that is protected under the Fourth Amendment to the United States Constitution.”

Supreme Court of the United States

Nothing to report.