Appellate Court Decisions - Week of 1/27/14

First Appellate District of Ohio

State v. Kostyuchenko, 2014-Ohio-324

Constitutional Law/Criminal: Procedure/Rules: Counsel

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-130257_01312014.pdf

Summary from the First District:

"The common pleas court did not abuse its discretion in granting defendant's Crim.R. 32.1 motion to withdraw his no-contest plea: the record supported the court's manifest-injustice determination, where it showed that counsel had breached his duty under *Padilla v. Kentucky*, 559 U.S. 356, 130 S.Ct. 1473, 176 L.Ed.2d 284 (2010), to accurately advise defendant concerning the immigration consequences of his plea, and that defendant had been prejudiced; and neither the plea form nor the R.C. 2943.031 advisement precluded a finding of prejudice, when deportation was mandatory."

Second Appellate District of Ohio

Nothing new.

Third Appellate District of Ohio

State v. Coe, 2014-Ohio-256

Prosecutorial Misconduct

**Full Decision:
http://www.supremecourt.ohio.gov/rod/docs/pdf/3/2014/2014-ohio-256.pdf**

Appellant's conviction is reversed where the prosecutor committed misconduct during the opening statement, the case-in-chief, and closing argument by commenting on Appellant's choice not to answer police questions. That misconduct was prejudicial to Appellant and not harmless error where it forced him to testify, thus allowing in a great deal of evidence concerning his criminal history.

Fourth Appellate District of Ohio

Nothing new.

Fifth Appellate District of Ohio

Nothing new.

Sixth Appellate District of Ohio

Nothing new.

Seventh Appellate District of Ohio

Nothing new.

Eighth Appellate District of Ohio

Nothing new.

Ninth Appellate District of Ohio

Nothing new.

Tenth Appellate District of Ohio

Nothing new.

Eleventh Appellate District of Ohio

Nothing new.

Twelfth Appellate District of Ohio

Nothing new.

Supreme Court of Ohio

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.