

Appellate Court Decisions - Week of 1/5/15

First Appellate District of Ohio

Nothing new.

Second Appellate District of Ohio

Nothing new.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

Nothing new.

Fifth Appellate District of Ohio

In re M.H., 2014-Ohio-5653

Delinquency: Competency: Estoppel

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/5/2014/2014-ohio-5653.pdf>

The state is estopped from arguing Appellant was competent in a case in one county, yet asserting he was competent to admit a charge in another county.

Sixth Appellate District of Ohio

Nothing new.

Seventh Appellate District of Ohio

Nothing new.

Eighth Appellate District of Ohio

Parma v. Mentch, 2014-Ohio-5690

Complaint: Motion to Dismiss

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2014/2014-ohio-5690.pdf>

The trial court erred in denying Appellant's motion to dismiss the complaint against her for assault where the complaint omitted and failed to charge the culpable mental state of knowingly – an essential element of the crime.

Turner v. Sutula, 2014-Ohio-5696

Habeas Corpus: Bond

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2014/2014-ohio-5696.pdf>

The Eight District granted the defendant's writ of habeas corpus and ordered the trial court to set a bond where the defendant was given a bond, then served 200 days on a postrelease control violation, but the trial court never ruled on the defendant's motion to reinstate the bond after he finished his sentence on the postrelease control violation.

Ninth Appellate District of Ohio

State v. Ligas, 2014-Ohio-5785

Forfeiture

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/9/2014/2014-ohio-5785.pdf>

The forfeiture of Appellant's car was against the weight of the evidence where it was based on the mere fact that her purse, which contained heroin and a syringe, was hidden under the seat. There was no evidence that Appellant's primary purpose was to use her car to possess the heroin.

Tenth Appellate District of Ohio

State v. Durdin, 2014-Ohio-5759

Evidence: Motion in Limine: Medical Diagnosis

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2014/2014-ohio-5759.pdf>

In a rape case where the victim did not testify at trial, the trial court violated Appellant's right of confrontation by admitting the victim's testimonial statement. The victim's statement to the SANE nurse that "there was a gun involved and the safety was taken off the gun" was not necessary for medical diagnosis or treatment. There was nothing medically relevant about the presence of a gun. The statement was primarily related to the state's investigation and was never subjected to cross-examination.

Appellant's conviction for aggravated robbery and the three-year firearm specifications attached to the rape and aggravated robbery charges were based on insufficient evidence where, although the evidence showed Appellant took the victim's gun, there was no evidence the firearm was used in a manner to support any of those convictions or specifications.

Eleventh Appellate District of Ohio

State v. Jones, 2014-Ohio-5705

Sentencing: Modification

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2014/2014-ohio-5705.pdf>

The trial court did not err in modifying Appellant's sentence for his OVI conviction from the mandatory five days in jail to 15 days of house arrest after, over the course of one year and three months, Appellant was turned away from the jail because of overcrowding.

In re B.J., 2014-Ohio-5701

Delinquency: Adult Possession of a Dangerous Ordinance: Sufficiency

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2014/2014-ohio-5701.pdf>

Appellant's adjudication for unlawful possession of a dangerous ordinance in violation of R.C. 2923.17(A) in relation to his participation in making "Works bombs" (if you don't know what they are, don't worry, the opinion for some reason spells out exactly how to make them) was not based on sufficient evidence where the state failed to prove that the bombs were "designed or specifically adapted" to cause physical harm to persons or property.

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.