

Appellate Court Decisions - Week of 1/6/14

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

Nothing new.

Sixth Appellate District of Ohio

Nothing new.

Seventh Appellate District of Ohio

State v. Rosa, 2013-Ohio-5867

Domestic Violence: Sufficiency of the Evidence

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/7/2013/2013-ohio-5867.pdf>

“Proof of unreasonable parental discipline is part of the analysis of the physical harm element, with the state bearing the burden of proof” for misdemeanor domestic violence, R.C. 2919.25(A), rather than reasonable parental discipline being an affirmative defense. Here, where the defendant moved his son from the living room to his son’s bedroom by grabbing him around the neck, and swatted him two times on the behind, the evidence was insufficient to find the defendant guilty of domestic violence.

Eighth Appellate District of Ohio

State v. Wiley, 2014-Ohio-27

Sentencing: Restitution: Criminal Non-Support

Full Decision: <http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2014/2014-ohio-27.pdf>

The trial court erred in ordering the defendant to pay the full amount of child support arrearage rather than the arrearage for the time period covered by the counts in the indictment.

City of Bedford v. Randhawa, 2014-Ohio-28

Aggravated Menacing:Interpreter

Full Decision: <http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2014/2014-ohio-28.pdf>

Where the charge of aggravated menacing was based on alleged threats against an individual made in the Punjabi language during a speech at a Sikh Temple, and there was an audio recording made of that speech, the “trial court erred in not affording Randhawa the opportunity to present an English translation of the statements he made, which contained alleged threats he made to Kuldeep Singh in Punjabi.”

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.