

Appellate Court Decisions - Week of 1/7/19

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

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

State v. McIntosh, 2018-Ohio-5343

Evidence: Hearsay

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2018/2018-Ohio-5343.pdf>

The trial court committed plain error in admitting inadmissible testimonial hearsay statements that violated Appellant's right to confront the witnesses against him.

State v. Nutter, 2018-Ohio-5368

Sentencing: Jail-Time Credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2018/2018-Ohio-5368.pdf>

The trial court erred in calculating Appellant's jail-time credit.

State v. Issac, 2018-Ohio-5433

Motion to Suppress: Search

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2018/2018-Ohio-5433.pdf>

The trial court erred in denying Appellant’s motion to suppress where the West Virginia officer who stopped Appellant lacked the extraterritorial authority to stop Appellant, and Appellant did not consent to his illegal detention.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

State v. Billiter, 2018-Ohio-5424

OVI: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2018/2018-Ohio-5424.pdf>

The trial court erred in denying Appellant’s motion to suppress his breathalyzer test results where the devise used for test failed a subsequent calibration test.F

Eighth Appellate District of Ohio

State v. Priest, 2018-Ohio-5355

Allied Offenses: Domestic Violence: Abduction

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-5355.pdf>

Summary from the Eighth District: “The record fails to demonstrate, with a reasonable probability, that the abduction and domestic violence counts are not allied offenses when defendant punched the victim while they were standing and then, moments later, chokes the victim while she was on the couch. Because there were not two separate resulting harms that the victim experienced, the offenses are not allied offenses. The act of domestic

violence encompassed the punching and the choking. Therefore, the trial court should have merged the offenses for purposes of sentencing.”

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.