

Appellate Court Decisions - Week of 10/10/16

First Appellate District of Ohio

State v. Hafford, 2016-Ohio-7282

Community Control: Revocation: Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2016/2016-Ohio-7282.pdf>

Summary from the First District:

“The trial court did not err in revoking the defendant’s community control after the defendant pleaded guilty to the violation where the defendant had been notified of the community-control term at the time of sentencing, the trial court notified the defendant before his revocation hearing of the clerical error omitting the community-control term from the sentencing entry, and the trial court journalized a nunc pro tunc entry correcting the clerical error in the sentencing entry before entering the judgment revoking the defendant’s community control.”

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. Byrns, 2016-Ohio-7215

Speedy Trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2016/2016-Ohio-7215.pdf>

Appellant's statutory speedy trial rights were violated. Basically, this is a useful case if you need some guidance calculating speedy trial time. Of particular note was that one portion of time the state argued should have been tolled was not because there were no reasons stated in the journal entry for the continuance.

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

Hutton v. Mitchell, No. 13-3968

Habeas Petition: Sentencing: Capital Punishment

Full Decision: <http://www.opn.ca6.uscourts.gov/opinions.pdf/16a0254p-06.pdf>

This was an appeal of six issues out of 13 that were denied in appellant's habeas petition to the Northern District of Ohio. Appellant was convicted and sentenced to death for murder and attempted murder. The jury instructions at the trial level did not include which aggravating circumstances the jury could review to make a death penalty recommendation. Although "the Ohio Court of Appeals independently reweighed the factors, the jury had not made the necessary finding of the existence of aggravating circumstances. Thus, the jury could not have determined that the aggravating circumstances outweighed the mitigating circumstances beyond a reasonable doubt without knowing what the aggravating circumstances were. * * * Without this finding, a death sentence cannot stand." The Sixth Circuit then remanded the case to the district court with instructions to order Appellant's release from custody unless the state grants a new sentencing hearing with 180 days from the date that the mandate issued from the Sixth Circuit.