

Appellate Court Decisions - Week of 10/12/15

First Appellate District of Ohio

In re K.M., 2015-Ohio-4241

Motion to Suppress: Search

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2015/2015-Ohio-4241.pdf>

Summary from the First District:

“The trial court did not err in denying the defendant’s motion to suppress, because the warrantless stop of the vehicle in which he had been a passenger was supported by reasonable suspicion where the police officer testified that he had stopped the vehicle based on its proximity to the scene of an armed robbery, the number of occupants in the vehicle, the vehicle’s attempt to elude him and the occupants’ lack of reaction upon being spotlighted in the vehicle.”

State v. Wood, 2015-Ohio-4243

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2015/2015-Ohio-4243.pdf>

Summary from the First District:

“Where defendant pled guilty to the fifth-degree felony of misuse of a credit card, the trial court did not err in sentencing defendant to ten months in prison: pursuant to R.C. 2929.13(B)(1)(b)(iii), the trial court was not required to impose community control, because defendant had violated a condition of her bond by failing to appear at the originally scheduled sentencing hearing.

“R.C. 2929.11 and 2929.12 did not require the trial court to make findings as to why defendant was not amenable to community control.

“Where the trial court failed to properly advise defendant about postrelease control, that portion of defendant’s sentence is void and the cause must be remanded for the proper postrelease-control notification.”

State v. Kleinholz, 2015-Ohio-4280

Sentencing: Jail-Time Credit

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2015/2015-Ohio-4280.pdf>

Summary from the First District:

“The trial court did not err in failing to credit defendant with jail-time credit for the time he spent on electronically monitored detention, because the electronically monitored detention did not constitute ‘confinement’ as contemplated by R.C. 2967.191 and 2949.08(C).”

Second Appellate District of Ohio

Nothing new.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

State v. Whitefield, 2015-Ohio-4139

Guilty Plea: Motion to Withdraw: Post-Sentence

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/4/2015/2015-Ohio-4139.pdf>

The trial court erred in denying appellant’s post-sentence motion to withdraw his guilty plea where the trial court led appellant to believe only six of his nine-year sentence was mandatory, when in reality the entire nine-year sentence was mandatory.

Fifth Appellate District of Ohio

Nothing new.

Sixth Appellate District of Ohio

Nothing new.

Seventh Appellate District of Ohio

State v. Ambrosini, 2015-Ohio-4150

Search: Motion to Suppress: Plain View

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/7/2015/2015-Ohio-4150.pdf>

The trial court erred in denying appellants' motion to suppress the evidence discovered in the warrantless search of their home. Two police officers responded to their apartment complex on a report of loud music and alleged drug use. Following the sound of music and the smell of burning marijuana, the officers arrived at appellants' apartment. One officer could smell marijuana through an opening in a sliding door and the other observed a glass pipe and a loose green substance that appeared to be marijuana on the kitchen table. The officers then announced their presence, entered the apartment, seized the marijuana and glass pipe, and cited appellants for possession of marijuana and possession of marijuana paraphernalia. The problem for the state, and the reason the trial court erred in denying the motion to suppress, however, was the lack of exigent circumstances to justify the warrantless search. The error was not harmless.

Eighth Appellate District of Ohio

State v. Marks, 2015-Ohio-4179

Sentencing: Community Control

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2015/2015-Ohio-4179.pdf>

Appellant was denied due process where the trial court found him to be in violation of his community control without an evidentiary hearing despite his trial counsel's request for such a hearing. Also, appellant could not have violated his community control by writing letters to the victim while he was in prison because his community control was run consecutively to his prison sentence, and because he was still in prison, his community control sanctions were not yet in effect.

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.