

Appellate Court Decisions - Week of 10/12/20

Note: This is not a comprehensive list of every case released this week.

Hey all - partial summary, as I will be out of the office from October 14 - October 24. Will catch everyone up when I return.

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

Nothing to report.

Fifth Appellate District of Ohio

State v. Bair, 2020-Ohio-4761

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4761.pdf>

In conviction of trespass, trial court erred in not granting jail-time credit and imposing community control, as appellant should have received 72 days of jail-time credit for time spent in local jail and behavioral healthcare center for competency evaluation which was more than the maximum 30-day sentence for the fourth degree misdemeanor. See R.C. 2949.08.

State v. Taylor, 2020-Ohio-4770

Insufficient evidence; possession of marijuana

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4770.pdf>

In state's appeal of trial court's grant of appellant's Crim.R. 29 motion after a bench trial due to the state failing to prove that the substances in question were illegal (failed to prove the substance, alleged marijuana, contained more than 0.3% tetrahydrocannabinol), appeal is dismissed. In order for state to be permitted to appeal from a Crim.R. 29 acquittal, appeal must raise a question that is one of substantive law and capable of repetition. COA finds that the state's appeal did raise a question that is one of substantive law and capable of repetition.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

State v. Bares, 2020-Ohio-4722

Insufficient evidence; failure to comply

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2020/2020-Ohio-4722.pdf>

Conviction for failure to comply was not supported by sufficient evidence, where appellant did not attempt to flee or even speed up after police officer activated his lights and siren; the light appellant travelled through was green, not red; the officer was several car lengths behind appellant; and appellant travelled only 6/10th of a mile before stopping.

State v. Moore, 2020-Ohio-4725

Sex offender classification; Megan's Law

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2020/2020-Ohio-4725.pdf>

As appellant committed his sex offenses in 2001 while Megan's Law was in effect, his classification as a sexually oriented offender was appropriate. However, under former R.C.2950.07, his registration period was for 10 years. Therefore, the trial court erred in imposing a registration period of 15 years. Trial court's judgment is reversed and modified to reflect the correct 10-year reporting period.

Eighth Appellate District of Ohio

Nothing to report.

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

State v. Pettus, 2020-Ohio-4836

Lesser included offense

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-4836.pdf>

“R.C. 2913.61(C)(1) is unambiguous in allowing for the aggregation of multiple theft offenses involving one victim into a single count, regardless of the status of the victim.” Therefore, the fact that the victim is not an elderly person, a disabled person, an active-duty service member, or a spouse of an active-duty service member is irrelevant.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.