

Appellate Court Decisions - Week of 10/17/16

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

State v. Andrews, 2016-Ohio-7389

Restitution

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2016/2016-Ohio-7389.pdf>

The trial court abused its discretion in ordering restitution of \$999.99 without a hearing to determine the amount of restitution owed. The only evidence presented at trial was “somewhere around 5, 6, \$700” was missing from the theft.

Sixth Appellate District of Ohio

State v. Kiser, 2016-Ohio-7338

Major Drug Offender Specification: Cocaine: Purity

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2016/2016-Ohio-7338.pdf>

The Sixth District has expanded its decision in *State v. Gonzales* once again. In *Gonzales*, it held the purity of the cocaine must be proven in a possession

case. It expanded that decision to trafficking in *State v. Sanchez*. Here, it has applied that same logic to major drug offender specifications. Without testimony about the purity of the cocaine, there was insufficient evidence for the major drug offender specification.

Seventh Appellate District of Ohio

Nothing new.

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

In re D.S., 2016-Ohio-7369

Juvenile Delinquency: Confinement Credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2016/2016-Ohio-7369.pdf>

“Judges must grant confinement credit under R.C. 2152.18(B) if the confinement stems from an original complaint and is sufficiently linked to adjudication of the charges upon which juvenile court orders commitment.”

The “[e]ntire period that appellant was confined pending disposition was ‘in connection with’ [the] delinquent-child complaint upon which order of commitment is based.”

Sixth Circuit Court of Appeals

Nothing new.