

Appellate Court Decisions - Week of 10/21/19

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

State v. Blair, 2019-Ohio-4308

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2019/2019-Ohio-4308.pdf>

Pleas of guilty and no contest were not knowingly, voluntarily, or intelligently made where the trial court failed to advise appellant of his right to confront witnesses against him before accepting those pleas in accordance with Crim.R. 11(C)(2)(c).

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

State v. Stovall, 2019-Ohio-4287

Restitution and costs

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-4287.pdf>

The trial court erred in ordering restitution in the written sentencing entry without addressing restitution in open court at the sentencing hearing, and in ordering appellant to pay the costs of appointed counsel and confinement without considering appellant's present or future ability to pay the costs.

State v. Baughn, 2019-Ohio-4283

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-4283.pdf>

Plea was not knowingly, voluntarily, or intelligently made where the trial court failed to readvise appellant of his right to counsel before accepting guilty plea in accordance with Crim.R. 11(C)(1).

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Graham, 2019-Ohio-4353

Double jeopardy

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-4353.pdf>

In state's appeal of dismissal of failure to comply on double jeopardy grounds, grant of motion to dismiss was not error; after conviction for failure to comply in one county, second county's indictment for same offense violated double jeopardy where appellant's actions represented one single, continuous act.

Ninth Appellate District of Ohio

State v. Pieronek, 2019-Ohio-4305

Discovery

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-4305.pdf>

[4305.pdf](#)

Trial court erred by excluding all of appellant's subpoenaed witnesses without considering whether it was the appropriate sanction; although appellant did not prove a list of witnesses in accordance with Crim.R. 16, he did send copies of each of the subpoenas sent to his six witnesses with identifying information. Judgment reversed and case remanded.

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

United State v. Flack No. 18-1676

Resentencing

Full Decision:

<http://www.opn.ca6.uscourts.gov/opinions.pdf/19a0268p-06.pdf>

As the District Court resentenced appellant rather than correcting his sentence, it erred in not holding a sentencing hearing at which appellant was present and during which the court could announce the reasons for its sentence in open court.

Supreme Court of the United States

Nothing to report.