

Appellate Court Decisions - Week of 10/22/18

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

Nothing to report.

Fourth Appellate District of Ohio

State v. Megarry, 2018-Ohio-4242

Sex Offender Classification

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2018/2018-Ohio-4242.pdf>

From the opinion: “Joseph Megarry appeals from a judgment denying his motion to vacate an ‘Amended Judgment Entry’ of March 19, 2003 imposing his sex-offender classification. The amended entry classified Megarry as a sexual predator, whereas the original entry, which was entered on the same date, had classified him only as a sexually oriented offender.

“Megarry contends the amended classification entry was void; therefore res judicata does not bar his argument that the trial court erred in issuing it. He claims that because the initial sex-offender classification was part of his criminal sentence and thus constituted a final order, the trial court lacked authority to alter it in the absence of a proper nunc pro tunc order.

“Megarry’s contention is based on the faulty premise that his sex-offender classification was part of his criminal sentence. That would have been true if he had committed his underlying offenses after the January 2008 effective date of Ohio’s enactment of the Adam Walsh Act because that classification is punitive and part of the criminal sentence. However, he committed the crimes before the effective date of that act, when Ohio’s version of Megan’s Law was effective.

“ Although sex-offender classifications under Megan’s Law are civil, remedial, and separate from the criminal conviction and sentence, they are final orders under R.C. 2505.02(B)(2) that cannot be revisited once they are journalized. Therefore, the trial court’s amended entry reclassifying him was void and subject to collateral attack. We sustain his assignment of error and reverse the judgment of the trial court with instructions to vacate the Amended Judgment Entry of March 19, 2003.”

Fifth Appellate District of Ohio

State v. Bowen, 2018-Ohio-4220

Ineffective Assistance: Sentencing: Merger

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2018/2018-Ohio-4220.pdf>

Trial counsel was ineffective for failing to move for merger of Appellant’s trafficking and possession of marijuana convictions.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.