

## Appellate Court Decisions - Week of 10/27/14

### 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

**State v. Pierce, 2014-Ohio-4833**

Poaching

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/4/2014/2014-ohio-4833.pdf>

The trial court did not err in granting Appellee's Crim.R. 29(A) motion for judgment of acquittal where the state failed to prove that the deer was not a "captive white-tailed deer" or a "domestic deer" as those terms are defined in R.C. 1532.01, which is an essential element of proving a violation of Ohio Administrative Code sections 1501:31-15-11(B)(1) and 1501:31-15-11(F)(14).

### Fifth Appellate District of Ohio

*Nothing new.*

### Sixth Appellate District of Ohio

*Nothing new.*

### 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

### **State v. Black, 2014-Ohio-4827**

Expungement

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2014/2014-ohio-4827.pdf>

The trial court erred in granting Appellee's application to seal his record because he still owed restitution on his theft conviction. There is no final discharge and the three-year waiting period for a felony does not begin to run until there has been a final discharge.

## Eleventh Appellate District of Ohio

*Nothing new.*

## Twelfth Appellate District of Ohio

### **State v. Little, 2014-Ohio-4756**

Forfeiture

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/12/2014/2014-ohio-4756.pdf>

Appellant was convicted of selling beer, intoxicating liquor, or alcohol without a permit, as well as three counts of selling or furnishing beer or intoxicating liquor to an underage person. The trial court erred in ordering the forfeiture of a television and two fans located in Appellant's living room, the alcohol that was found in his kitchen, and the \$4,861 in cash located on his person and his upstairs bedroom closet because the charging document did not include a forfeiture specification, it was reasonably foreseeable that the property would be subject to forfeiture, and the prosecution did not give prompt notice that the property would be subject to forfeiture.

## **Supreme Court of Ohio**

*State v. Griffin*, 2014-Ohio-4767

Jury Instructions

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/o/2014/2014-ohio-4767.pdf>

**This case includes a jury instruction for the definition of the word “enterprise” that the Second District determined to be inadequate, but the Supreme Court said was fine, overturning the second district.**

## **Sixth Circuit Court of Appeals**

*Nothing new.*

## **Supreme Court of the United States**

*Nothing new.*