

Appellate Court Decisions - Week of 10/6/14

First Appellate District of Ohio

State v. Stone, 2014-Ohio-4444

Suppression: *Miranda*: Identification

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-140028_10082014.pdf

Summary from the First District:

“The trial court properly denied the defendant’s motion to suppress statements made to police where the record demonstrated that the defendant knowingly and intelligently waived an earlier request for counsel: when the defendant requested a lawyer, the police questioning stopped; however, the defendant, without any coercion by the officers, initiated further discussions with police before admitting involvement in the robbery.

“The trial court did not err in overruling the defendant’s motion to suppress pretrial identifications made by eyewitnesses from a photo array: the photo-array procedure employed by the police officers was not unduly suggestive by virtue of noncompliance with R.C. 2933.83; and because the defendant failed to demonstrate that the identification procedure was unduly suggestive, the court need not reach whether a substantial likelihood of misidentification occurred.

“Where a prospective juror had been convicted of felony drug possession and sentenced to prison, and nothing in the record indicated that the prospective juror’s rights had been restored after that conviction, the trial court did not abuse its discretion in dismissing the prospective juror for cause.”

State v. Jones, 2014-Ohio-4497

Sentencing: Crim.R. 11

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-130825_10102014.pdf

Summary from the First District:

“The defendant’s guilty pleas must be vacated, because the trial court did not meet the requirements of Crim.R. 11 where the court failed to advise the defendant during the plea colloquy that his sentences would include a discretionary term of postrelease control.”

Second Appellate District of Ohio

Nothing new.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

State v. Woods, 2014-Ohio-4429

Discovery

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/4/2014/2014-ohio-4429.pdf>

“[T]he trial court did not act in an unreasonable, unconscionable, or arbitrary manner by excluding the alleged victim’s testimony when the state repeatedly failed to comply with the discovery order despite having ample time to do so.” In this rape case, the trial court ordered the state to turn over the victim’s medical records for in camera inspection to determine if they were as relevant as they appeared on their face. The records apparently “indicated that the alleged victim had (1) been diagnosed with schizophrenia and bipolar disorder, (2) was taking certain psychotropic medication, (3) was a heroin addict and had been in one or more drug-rehabilitation programs, and (4) had been hypnotized shortly before her memories of the alleged crimes surfaced.”

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

State v. Turner, 2014-Ohio-4460

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/9/2014/2014-ohio-4460.pdf>

The trial court erred by imposing a maximum sentence on Appellant for exercising his right to a trial rather than take a plea deal where the trial court said the following prior to trial:

“When someone refuses to accept responsibility and if the jury convicts them, I take that into account, so I indicated to your attorney that, if you were to plead guilty and accept responsibility, then I will probable give you [c]ommunity [c]ontrol and maybe some house arrest, but that, after a trial, if you are convicted, in light of your record, that would not be the case. You know, it would be more likely you would be going to prison, so that’s the way it is.”

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

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.