

## Appellate Court Decisions - Week of 11/14/16

### First Appellate District of Ohio

**State v. Pewett, 2016-Ohio-7577**

**Expungement: Motion to Reconsider: Appellate Review**

**Full Decision:**

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2016/2016-Ohio-7757.pdf>

#### **Summary from the First District:**

“An order under R.C. 2953.52 granting an application to seal the record of a criminal case following an acquittal is a final, appealable order, to which the doctrine of res judicata applies.

“The trial court’s order granting the state’s motion to reconsider its previous decision under R.C. 2953.52 to seal the record in a criminal case was a nullity, and therefore, it was not a final, appealable order.”

### Second Appellate District of Ohio

*Nothing to report.*

### Third Appellate District of Ohio

*Nothing to report.*

### Fourth Appellate District of Ohio

*Nothing to report.*

### Fifth Appellate District of Ohio

**In re: S.B., 2016-Ohio-7732**

**Motion to Suppress: *Miranda* Warnings**

**Full Decision:**

<http://www.supremecourt.ohio.gov/rod/docs/pdf/5/2016/2016-Ohio-7732.pdf>

**“[A]ppellee filed a motion to suppress her statements made to police, claiming she did not understand or voluntarily waive her rights.” The trial**

court granted the motion finding the state “failed to meet its burden that appellee understood and knowingly waived her rights.” Although Appellee signed a typical *Miranda* waiver, there was no credible evidence in the recording that Appellee understood her rights. There was evidence, however, that the detective misled her about what the waiver was and why she was signing it – the detective told her to sign it to prove that he read it to her.

### 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

**State v. Hayward, 2016-Ohio-7671**

Search: Motion to Suppress

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2016/2016-Ohio-7671.pdf>

The trial court erred in denying Appellant’s motion to suppress where it analyzed the search of a box truck and a van under a reasonable suspicion standard, not a probable cause standard. The case was remanded for analysis under the correct standard.

### 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.*