

Appellate Court Decisions - Week of 11/22/21

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

Nothing to report.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State ex rel. Gray v. Miday, 2021-Ohio-4138

Writ of procedendo to issue findings of fact and conclusions of law

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-4138.pdf>

Writ of procedendo is granted; trial court was ordered to issue findings of

fact and conclusions of law with regard to a postconviction petition filed on July 29, 2009 to which relator was entitled pursuant to R.C. 2953.21(A)(2). Mr. Gray's 2021 appeal had been decided by the COA; therefore, "[b]ecause the jurisdictional impediment that prevented Judge Miday from rendering findings of fact and conclusions of law has been removed, we find that Gray is entitled to a writ of procedendo."

State v. Griffin, 2021-Ohio-4128

Reagan Tokes Act

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-4128.pdf>

Trial court committed plain error by imposing an indefinite sentence under the Reagan Tokes Act because appellant did not plead to a qualifying felony of the first or second degree that was committed after March 22, 2019, the effective date of the Act. The first-degree aggravated robbery charge to which appellant pled was committed on November 25, 2018. R.C. 2929.144(A).

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Griffin, 2021-Ohio-4092

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2021/2021-Ohio-4092.pdf>

Trial court erred when it denied appellant's motion for jail-time credit in connection with four cases in which he was sentenced at the same time. Credit should have been 203 days toward his 10-year sentence. Case remanded for the trial court to award such credit.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

**Maternal Grandmother v. Hamilton Cty. Dept. of Job & Family Servs.,
2021-Ohio-4096**

Government employee immunity; pleading

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2021/2021-Ohio-4096.pdf>

Trial court erred in dismissing a lawsuit against Hamilton County caseworkers filed by a grandmother of a child murdered by her mother. OSC decision stated that “we are asked to decide whether claims invoking the exception under R.C. 2744.03(A)(6)(b) to the immunity afforded to employees of a political subdivision are subject to a heightened pleading standard . . . we hold that they are not. Instead, we conclude that such claims are subject to Ohio’s regular notice-pleading rule.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.