

Appellate Court Decisions - Week of 5/28/19

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 v. Reyes, 2019-Ohio-4795

Merger and sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-4795.pdf>

Trial court erred in running sentences concurrently when they should have been merged.

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

State v. Pribble, 2019-Ohio-4808

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/o/2019/2019-Ohio-4808.pdf>

A divided Supreme Court resolved a conflict between two sentencing statutes, R.C. 2925.041(C)(1) – illegal assembly or possession of chemicals for the manufacture of methamphetamine which carries a mandatory sentence for certain repeat offenders of “one of the prison sentences for a felony of the third degree that is not less than five years” – and R.C. 2929.14(A)(3)(a) – the broad sentencing statute that caps third-degree felony sentences at 36 months in prison. The Court held that while it agreed that the two statutes conflict, by applying “the rule of statutory construction codified in R.C. 1.51, we conclude that the mandatory five-year sentence prescribed in R.C. 2925.041(C)(1) is a special provision that prevails as an exception to the general statute, R.C. 2929.14(A)(3)(a). Because applying R.C. 1.51 resolves the conflict between the two statutes, it is unnecessary to invoke the rule of lenity.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.