

Appellate Court Decisions - Week of 11/6/17

Note: This is not a comprehensive list of every case released this week.

First Appellate District of Ohio

State v. Amos, 2017-Ohio-8448

Sex Offender Classification: Registration: Juvenile

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-8448.pdf>

Summary from the First District:

“In a prosecution for failing to notify the sheriff of an address change, defendant’s motion to dismiss the indictment was the proper vehicle to challenge whether he had a duty to register under R.C. Chapter 2950, and where defendant had no duty to register, the trial court did not err in dismissing the indictment.

“Where defendant had no duty to register under R.C. Chapter 2950, the trial court did not err in granting defendant’s motion to withdraw his guilty plea to, or in dismissing his indictment for, failing to provide notice of an address change.

“The juvenile court had no jurisdiction to classify defendant as a Tier I sex offender, and defendant has no duty to register under R.C. Chapter 2950, because the court did not properly complete the statutorily-required process for classifying defendant as a juvenile-offender registrant: after defendant had been classified as a juvenile-offender registrant under R.C. 2152.83, R.C. 2152.84 required the juvenile court to hold a completion-of-disposition hearing to complete the classification process; and the juvenile court did not complete the classification process, when it did not hold an R.C. 2152.84 completion-of-disposition hearing before completing the disposition for defendant’s sexually-oriented offense by discharging him from parole. [*But see* DISSENT: Once the juvenile court makes an appropriate initial classification under R.C. 2152.83, it is permanently vested with jurisdiction to review the classification under R.C. 2152.84 and 2152.85.]”

Second Appellate District of Ohio

Nothing to report.

Third Appellate District of Ohio

State v. Eversole, 2017-Ohio-8436

Search Incident to Arrest

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2017/2017-Ohio-8436.pdf>

Summary from the Third District:

“The trial court erred by denying the defendant-appellant's motion to suppress evidence because there is no competent, credible evidence in the record providing an evidentiary basis to search the defendant-appellant's vehicle incident to her arrest for operating a motor vehicle while under the influence of alcohol or drugs (‘OVI’) under *Arizona v. Gant*, 556 U.S. 332, 129 S.Ct. 1710 (2009). There is no competent, credible evidence in the record that the State met its burden of proving that law enforcement had reason to believe, based on common-sense factors and the totality of the circumstances, that evidence of the defendant-appellant's OVI arrest was inside her vehicle.”

Appellant was pulled over for a marked-lanes violation. The officer conducted field-sobriety tests, she was arrested for OVI. She was then handcuffed and placed in the back of the police cruiser. While she was there, the police officer searched her vehicle “for evidence of narcotics use” because he “believed she was under the influence of drugs or narcotics.” The officer then found drugs and paraphernalia in her purse.

“Because [Appellant] was handcuffed and detained in [the officer’s] patrol vehicle, the issue in this case is whether [the officer] could reasonably have believed that evidence of the crime of arrest might be found in [Appellant’s] vehicle.” Later, the Court said, “we hold that law enforcement may only search a vehicle incident to an OVI arrest when that law-enforcement officer has reason to believe, based on common-sense factors and the totality of the circumstances, that evidence of the offense of arrest is inside.” Ultimately the Court concluded “the trial court erred by denying [Appellant’s] motion to suppress the heroin as evidence.” It found there was “no competent, credible evidence in the record justifying [the officer’s] search of [Appellant’s] vehicle incident to her arrest – that is, there is no competent, credible evidence in the record that the state met its burden of proving [the officer] had reason to believe, based on common-sense factors and the totality of the circumstances, the evidence of [Appellant’s] OVI arrest was inside her vehicle.”

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Eckley, 2017-Ohio-8455

Plea Withdrawal

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2017/2017-Ohio-8455.pdf>

The trial court erred in failing to hold an evidentiary hearing on Appellant's motion to withdraw her guilty pleas. Suffice it to say, this case involves some extraordinary facts that merit withdrawing the plea. The opinion explains those facts in detail.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Bradford, 2017-Ohio-8481

Sentencing: Firearm Specifications: Consecutive Sentences

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-8481.pdf>

Summary from the Eighth District:

“Evidence showed that appellant had more than a mere association with the driver involved in the shooting. The trial court did not err in denying appellant's gang members, and evidence was presented sufficient enough to infer that appellant was motion for acquittal. Witness testimony in question by appellant was corroborated by other witness testimony, and the trial court further found their testimony credible. Witness testimony and other evidence did not weigh against conviction. Two of appellant's offenses are not enumerated in R.C. 2929.14(B)(1)(g) and the trial court, therefore, was not mandated to run the firearm specifications for those offenses consecutive to the other firearm specifications.”

Specifically, the two offenses not enumerated in R.C. 2929.14(B)(1)(g) were improper handling of a weapon in a motor vehicle and improper discharge into a habitation.

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

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.