

Appellate Court Decisions - Week of 12/2/13

First Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

State v. James, 2013-Ohio-5322

Plea Agreement: Enforcement

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/4/2013/2013-ohio-5322.pdf>

Appellant agreed to plea to one count of Aggravated Robbery in exchange for the state recommending a six-year sentence that would run concurrently to a sentence in a separate case. The deal was in exchange for his testimony in a related case, but his testimony at trial was that the accused did not commit the crime. The state, believing the plea agreement had been voided, violated its plain language by recommending a sentence greater than six years. There was no language indicating the consequences of the appellant's actions. Therefore, the case was reversed for either the trial court to require the prosecutor to comply with the agreement, or to allow the appellant to withdraw his guilty plea.

Seventh Appellate District of Ohio

State v. Shaw, 2013-Ohio-5292

Sentencing: Allied Offenses: Attempted Murder: Assault

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/7/2013/2013-ohio-5292.pdf>

The trial court erred in failing to merge the appellant's two felonious assault convictions with his attempted murder conviction where he shot the victim twice, in rapid succession with no delay in between, and the single purpose was to injure and/or kill the victim.

Eighth Appellate District of Ohio

City of Cleveland v. Crump, 2013-Ohio-5246

Obstructing Official Business

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/8/2013/2013-ohio-5246.pdf>

There was not sufficient evidence to convict the appellant of obstructing official business where his failure to provide a police officer with identification was not an affirmative act.

State v. Fontaine, 2013-Ohio-5257

Search: Motion to Suppress

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/8/2013/2013-ohio-5257.pdf>

The trial court did not err in granting the appellant's motion to suppress the gun and marijuana found in his car where he was properly pulled over for speeding but his "heavy breathing" and being "overly polite" did not create a reasonable suspicion for further investigation -- and the officer unreasonably prolonged the stop to wait for a canine sniff where he had already checked the appellant's LEADS record and had begun writing the traffic warning.

Supreme Court of Ohio

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.