

Appellate Court Decisions - Week of 12/22/14

First Appellate District of Ohio

In re: A.J., 2014-Ohio-5566

Juvenile: Delinquency: Mootness

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-140246_12192014.pdf

Summary from the First District:

“The juvenile’s appeal of his delinquency adjudication must be dismissed as moot where the record shows that the juvenile voluntarily served his sentence and where the juvenile has not demonstrated that he will suffer some collateral disability.”

State v. Miller, 2014-Ohio-5649

Fifth Amendment: Motion to Suppress: *Miranda*

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-140068_12242014.pdf

Summary from the First District:

“The trial court did not err in granting the defendant’s motion to suppress his statements made to police where the police had improperly continued interrogating the defendant after he had invoked his Fifth Amendment right to counsel: the police detective’s statement to the defendant that he was going to be charged with murder because the police did not have his side of the story was a statement that was likely to elicit an incriminating response. [*But see* DISSENT: Given the totality of the circumstances surrounding the defendant’s custodial experience, the defendant’s statements to the police were not the subject of unlawful coercion and the trial court erred in suppressing them.]”

State v. Webster, 2014-Ohio-5647

Double Jeopardy: Mistrial: Jury Instructions

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-130700_12242014.pdf

Summary from the First District:

“Where the defendant successfully moved for a mistrial, double jeopardy did not prevent retrial, because the prosecutor’s conduct was not intended to deliberately provoke the defendant into requesting a mistrial.

“The trial court’s finding with respect to the intent of the prosecutor to cause a mistrial was a finding of fact, and the appellate court will accord it great deference.

“Where the defendant successfully moved for a mistrial based upon the prosecutor’s failure to provide discovery under Crim.R. 16, the critical inquiry in determining whether double jeopardy bars a second trial is whether the mistrial has impaired the defendant’s opportunity for acquittal, or in the alternative, whether the prosecution has gained any advantage.

“Defendant’s retrial neither impaired his chances of acquittal nor gave the state any advantage where the mistrial was granted during the state’s case-in-chief, at the second trial, the state presented the same evidence that it had presented in the first trial, and the defendant had gained the advantage of more time to prepare his defense and of having previewed a large part of the state’s case in the first trial.

“Where the defendant raised a complete defense to the charged crime of murder, the trial court properly refused to give a jury instruction on voluntary manslaughter, because there was insufficient evidence presented that the defendant had acted while in a sudden fit of rage in causing the victim’s death.”

Second Appellate District of Ohio

State v. Gibson, 2014-Ohio-5573

Plea

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/2/2014/2014-ohio-5573.pdf>

Appellant’s *Alford* pleas to two counts of gross sexual imposition were not made knowingly, voluntarily, and intelligently when the trial court misinformed him that he would automatically receive a life sentence if he was convicted of rape as charged in the indictment.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

Nothing new.

Fifth Appellate District of Ohio

Nothing new.

Sixth Appellate District of Ohio

State v. Diebert, 2014-Ohio-5588

Workers' Compensation Fraud

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2014/2014-ohio-5588.pdf>

The State failed to present sufficient evidence Appellant was guilty of workers' compensation fraud under R.C. 2913.48 where it failed to prove the value of unpaid premiums and assessments due to the BWC or that an employer-employee relationship existed between the Appellant and the workers.

Seventh Appellate District of Ohio

Nothing new.

Eighth Appellate District of Ohio

Nothing new.

Ninth Appellate District of Ohio

Nothing new.

Tenth Appellate District of Ohio

Nothing new.

Eleventh Appellate District of Ohio

Nothing new.

Twelfth Appellate District of Ohio

Nothing new.

Supreme Court of Ohio

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.