

Appellate Court Decisions - Week of 12/25/17

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

First Appellate District of Ohio

State v. Walker, 2017-Ohio-9255

Constitutional Law: *Miranda*

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-9255.pdf>

Summary from the First District:

“The trial court properly denied defendant’s motion to suppress his statement to police on the basis that the waiver of his *Miranda* rights was involuntary because he did not have the mental capacity to waive the rights: even with expert testimony indicating that defendant had not understood the rights, there was sufficient evidence supporting the trial court’s decision to disregard the experts’ opinions and determine that the waiver was proper. [*But see* DISSENT: The trial court erred in denying the motion to suppress because the court arbitrarily ignored the substantial, credible, and uncontroverted expert evidence that demonstrated defendant did not have the intellectual capacity to knowingly or intelligently waive his *Miranda* rights.]”

State v. Deloney, 2017-Ohio-9282

Constitutional Law: Eighth Amendment: Death Penalty: Mental Retardation

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-9282.pdf>

Summary from the First District:

“The trial court erred in finding that defendant was mentally retarded and therefore ineligible for the death penalty under *Atkins v. Virginia*, 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002), and *State v. Lott*, 97 Ohio St.3d 303, 2002-Ohio-6625, 779 N.E.2d 1011, where defendant failed to establish through expert testimony a causal link between his mental retardation and any significant adaptive limitations. [*See* CONCURRENCE: The trial court erred in concluding that defendant was ineligible for the death penalty due to his mental retardation where he failed to demonstrate that he currently exhibits significant adaptive limitations.]”

State v. Beyersdoerfer, 2017-Ohio-9281

Sentencing: Community Control: Jurisdiction

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-9281.pdf>

Summary from the First District:

“The trial court was without jurisdiction to sentence defendant to a prison term where the court had entered a final judgment imposing a sentence of community control and defendant had not violated the conditions of his community control.”

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

In re B.W., 2017-Ohio-9220

Juvenile Bindover

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2017/2017-Ohio-9220.pdf>

“The State of Ohio appeals the decision of the Mahoning County Common Pleas Court, Juvenile Division, dismissing the murder complaint filed

against Juvenile-Appellee B.W. As he was 16 years old, Appellee was subject to mandatory transfer to the general division if the juvenile court found probable cause to believe he committed the offense. The probable cause hearing was held jointly with the co-defendant. The juvenile court found the state failed to establish probable cause to believe Appellee committed murder. In evaluating probable cause in the case against Appellee, the juvenile court refused to consider the detective's testimony on what the co-defendant told him and the co-defendant's video statement. For the following reasons, we conclude the state presented sufficient credible evidence of probable cause. The juvenile court's judgment dismissing the complaint is reversed, and the case is remanded with instructions to issue a mandatory transfer order."

Eighth Appellate District of Ohio

State v. Tolbert, 2017-Ohio-9159

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-9159.pdf>

Summary from the Eighth District:

"The trial court did not err when it granted defendant's motion to vacate his postrelease control. Based on the recent Ohio Supreme Court case, *State v. Grimes*, 151 Ohio St.3d 19, 2017-Ohio-2927, the trial court's postrelease control advisement in the sentencing entry ("Postrelease control is part of this prison sentence for 3 years for the above felony(s) under R.C. 2967.28.") was not "minimally compliant." Although it was sufficient to advise defendant of the mandatory nature of the postrelease control term, it did not properly advise defendant that he would face consequences for violating the terms of his postrelease control. Because defendant had already served his prison sentence, the trial court properly granted his motion to vacate postrelease control."

State v. Lundy, 2017-Ohio-9155

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-9155.pdf>

Summary from the Eighth District:

"Defendant's rape and kidnapping convictions were supported by sufficient evidence

and were not against the manifest weight of the evidence where the victim testified that she was raped and DNA found in the rape kit matched the defendant's DNA. Defendant's rape and kidnapping convictions should have merged for sentencing where the restraint and movement of the victim was slight, and the victim was released immediately after the rape."

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.