

Appellate Court Decisions - Week of 12/30/13

First Appellate District of Ohio

Nothing new.

Second Appellate District of Ohio

Nothing new.

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

Nothing new.

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

State v. Tauch, 2013-Ohio-5796

Expungement

Full Decision: <http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2013/2013-ohio-5796.pdf>

This case has a nice analysis of eligible offenders with more than two misdemeanor convictions. The appellant had three misdemeanor convictions – attempted forgery, attempted theft, and another attempted forgery. The Tenth District held that she was an eligible offender for expungement purposes under R.C. 2953.31(A) because her two attempted forgery convictions “result from the same official proceeding and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they merge as one conviction for purposes of defining an eligible offender. Combined with her other misdemeanor conviction, she only has two misdemeanor convictions in this analysis: one for attempted forgery and one for attempted theft.”

Eleventh Appellate District of Ohio

State v. Perry, 2013-Ohio-5803

Verdict: Jury Verdict Form

Full Decision: <http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2013/2013-ohio-5803.pdf>

Where the jury verdict forms finding the defendant guilty did not have on them either the specific degree of the offense of engaging in a pattern of corrupt activity nor any finding of the presence of aggravating elements, the defendant could only be convicted of the least degree of that crime – a second-degree felony.

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.