

Appellate Court Decisions - Week of 2/17/14

First Appellate District of Ohio

State v. Jackson, 2014-Ohio-613

Appellate Review: Involuntary Civil Commitments: *Anders*

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-130240_02212014.pdf

Summary from the First District:

“The procedure set forth in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), does not apply to appeals of involuntary civil commitments, and *Anders* no-error briefs will not be accepted in such cases.”

An older case worth nothing:

State v. Pankey, 2012-Ohio-936

Expungements

“Where the defendant-appellant filed applications to seal the official records of a case in which she had been found not guilty of a traffic offense and a separate case in which her traffic citations had been dismissed, the trial court erred in denying the defendant’s applications to seal the records on the basis that R.C. 2953.36 barred the applications because the applications are governed by R.C. 2953.52, which, under the facts of this case, is not limited by R.C. 2953.36”

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

State v. Shorter, 2014-Ohio-581

Robbery: Sufficiency of the Evidence

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/7/2014/2014-ohio-581.pdf>

Appellant's convictions for aggravated robbery with a firearm specification and having a weapon while under disability through a complicity by aiding and abetting theory were not supported by sufficient evidence. The only evidence against Appellant was that he was a passenger in a car with the man who committed the robbery about 48 minutes after the robbery occurred, and that the hat and gloves allegedly worn in the robbery contained Appellant's DNA along with two other individuals.

Eighth Appellate District of Ohio

Nothing new.

Ninth Appellate District of Ohio

State v. Litten, 2014-Ohio-577

Sentencing: Merger

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/9/2014/2014-ohio-577.pdf>

Appellant's convictions for rape and kidnapping should have merged because they were part of one continuous course of conduct where he lured his grandmother into another room for the sole purpose of raping her. "The kidnapping did not result in an increased risk of harm to [the victim] and was not prolonged, secretive, or substantial."

State v. Robinson, 2014-Ohio-579

Search: Motion to Suppress

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/9/2014/2014-ohio-579.pdf>

The trial court erred in its determination that there was reasonable articulable suspicion to effectuate the stop of Appellant's vehicle. Appellant's vehicle was stopped based on information from an informant who himself had been arrested. The first-time informant provided information allegedly relating to Appellant's drug trafficking activity in the hope that it would benefit him in his case. However, the significant details of the tip provided by the informant were not independently corroborated before the stop which led to the search that yielded a BB gun, a scale, \$600, and eventually an admission that the passenger had crack cocaine in her bra. In fact, the only details of the tip independently corroborated were where Appellant lived and that the Appellant drove both black and red SUVs.

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

State v. Anderson, 2014-Ohio-542

Appellate Procedure: Final Appealable Orders: R.C. 2505.02(B)(4)

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/0/2014/2014-ohio-542.pdf>

An order denying a motion to dismiss on double-jeopardy grounds is a final, appealable order. (Note: It appears the Court is suggesting that *State v. Crago*, 53 Ohio St.3d 243, 559 N.E.2d 1353 (1990) was at least partially superseded by the 1998 amendments to R.C. 2505.02)

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.