

Appellate Court Decisions - Week of 2/24/20

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

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

State v. Monroe 2020-Ohio-597

Sentence

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2020/2020-Ohio-597.pdf>

Trial court erred by ordering appellant to serve 18 months in prison for technical violations of his community control sanctions for his fourth-degree felonies where the maximum sentence is 180 days.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Ellinger, 2020-Ohio-555

Sentence

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-555.pdf>

Trial court erred by ordering community control sanctions to be served consecutive to prison. See *Hitchcock*, 2019-Ohio-3246.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Johnson, 2020-Ohio-568

Restitution

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-568.pdf>

Trial court erred in ordering restitution in the sentencing judgment entry where no restitution was granted at the re-sentencing hearing and state had no evidence to support restitution.

Ninth Appellate District of Ohio

State v. Claren, 2020-Ohio-615

Self-defense and the castle doctrine

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2020/2020-Ohio-615.pdf>

Appellant's murder conviction reversed and remanded for new trial where trial court erred by refusing to instruct the jury on self-defense and the castle doctrine.

Tenth Appellate District of Ohio

State v. Carter, 2020-Ohio-589

Suppression

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-589.pdf>

In state's appeal of trial court's grant of motion to suppress the unconstitutional stop and evidence obtained therefrom, trial court did not err in granting said motion where police officers blocked appellant with their cruiser before developing reasonable suspicion sufficient to justify detaining him.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

State v. Ramirez, 2020-Ohio-602

Double Jeopardy

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2020/2020-Ohio-602.pdf>

Summary from OSC: *Crim.R. 33(A)(4)—Neither the double-jeopardy protection nor R.C. 2945.67 prevents the state from appealing an order granting a new trial based on insufficient evidence. . . The double-jeopardy protection does not prevent the state from appealing the trial court's order granting the motion for a new trial. It only prevents the state from retrying the defendant in the event the state is unsuccessful on appeal.*

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.