

## Appellate Court Decisions - Week of 2/27/17

*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

*Nothing to report.*

### Third Appellate District of Ohio

#### **State v. Brown, 2017-Ohio-678**

**OVI: No-Contest Plea: Sufficiency**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2017/2017-Ohio-678.pdf>

**Appellant pleaded no contest to an OVI. No explanation of the circumstances of the offense was read into the record, as is required. Therefore, appellant's OVI conviction was based on insufficient evidence.**

### Fourth Appellate District of Ohio

*Nothing to report.*

### Fifth Appellate District of Ohio

*Nothing to report.*

### Sixth Appellate District of Ohio

#### **State v. Race, 2017-Ohio-612**

**Domestic Violence: Sufficiency**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-612.pdf>

Appellant was convicted of domestic violence based on a threat of force (R.C. 2919.25(C)) for telling his mother he would kill her and anyone who brought her if she came home from the hospital. His conviction was reversed because there was no evidence the threat was imminent or that the victim believed she stood in jeopardy of immediate physical harm.

**State v. Moore, 2017-Ohio-673**

Jail-Time Credit: Mandatory Sentence

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-673.pdf>

Summary from the Sixth District: “Equal protection of the law requires applying confinement credit to mandatory prison terms for firearm specifications where an offender is otherwise at risk of losing credit due.”

**Seventh Appellate District of Ohio**

*Nothing to report.*

**Eighth Appellate District of Ohio**

**State v. Vega, 2017-Ohio-651**

Search: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-651.pdf>

Summary from the Eighth District: “Trial court’s granting defendant’s motion to suppress odorless hard candy containing THC affirmed when police officer was looking for raw marijuana because of the strong odor of raw marijuana in defendant’s vehicle.”

**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**

**State v. Butcher, 2017-Ohio-631**

Judicial Release: R.C. 2929.20(J)(2)

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2017/2017-Ohio-631.pdf>

**Summary from the Twelfth District: “Although the trial court’s decision to grant appellee’s motion for judicial release after he served more than two years of a four-year prison term for felonious assault was supported by clear and convincing evidence, the trial court erred by failing to ‘list all the factors’ related to its decision as required by R.C. 2929.20(J)(2).”**

## **Supreme Court of Ohio**

*Nothing to report.*

## **Sixth Circuit Court of Appeals**

*Nothing to report.*

## **Supreme Court of the United States**

*Nothing to report.*