

Appellate Court Decisions - Week of 2/3/20

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

Nothing to report.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Schneider, 2020-Ohio-343

Demand for jury trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-343.pdf>

In conviction after bench trial, trial court violated appellant's right to a jury; appellant had timely filed a written demand for a jury trial, and that demand was never withdrawn by a written waiver. Case remanded for new trial.

Sixth Appellate District of Ohio

State v. Rickard, 2020-Ohio-294

Postconviction

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-294.pdf>

Trial court abused its discretion by denying appellant’s postconviction petition as untimely filed; although the trial transcript was originally filed on April 28, 2017, a written transcript of a video deposition was not filed until July 10, 2017, so appellant had 365 days from July 10 to file his petition for postconviction relief. Case remanded for trial court to consider merits of appellant’s petition.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Taylor-Hollingsworth, 2020-Ohio-278

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-278.pdf>

Trial court failed to comply with Crim.R. 11 when it completely neglected to advise appellant during the plea colloquy that he was subject to mandatory post-release control; plea vacated and case remanded to trial court.

State v. Bryant, 2020-Ohio-363

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2020/2020-Ohio-363.pdf>

Trial court committed plain error where appellant “was awarded 210 days of jail-time credit, yet placed evidence in the record showing that he was confined for 539 days of which, at most, 208 days were attributable to other reasons for confinement.” Also, the state failed to submit any evidence to

rebut appellant's evidence. Case remanded to trial court.

Eleventh Appellate District of Ohio

Nothing to report.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

State v. Davis, 2020-Ohio-309

Ineffective assistance of counsel and court costs

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2020/2020-Ohio-309.pdf>

Summary from OSC: “For these reasons, we answer the certified-conflict question neither in the affirmative nor in the negative. Instead, we conclude that when trial counsel fails to request that the trial court waive court costs on behalf of a defendant who has previously been found to be indigent, a determination of prejudice for purposes of an ineffective-assistance-of-counsel analysis depends upon whether the facts and circumstances presented by the defendant establish that there is a reasonable probability that the trial court would have granted the request to waive costs had one been made.”

State ex rel. Newsome v. Hack, 2020-Ohio-336

Mandamus; trial transcripts

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2020/2020-Ohio-336.pdf>

Summary from OSC: “Relator has shown clear legal right to purchase copy of transcript of his sentencing hearing, corresponding clear legal duty of county court reporter to inform him of transcript fee, and lack of an adequate remedy at law—Writ ordering county court reporter’s office to inform relator of transcript fee granted.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.