

Appellate Court Decisions - Week of 2/6/17

First Appellate District of Ohio

Nothing to report.

Second Appellate District of Ohio

State v. Fields, 2017-Ohio-400

Ineffective Assistance

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2017/2017-Ohio-400.pdf>

This case stems from Appellant's conviction for failure to pay Xenia income tax, based on money she was given by The Ellen DeGeneres Show. After a hearing on her motion to dismiss (which was denied), Appellant entered a no-contest plea. The Second District held that trial counsel was ineffective because "counsel's raising the issue of whether Fields owed taxes in a motion to dismiss, rather than at trial, and the failure to raise matters relating to whether fields willfully failed to pay the taxes was ineffective."

Third Appellate District of Ohio

Nothing to report

Fourth Appellate District of Ohio

State v. Spencer, 2017-Ohio-456

Possession of/Trafficking in Heroin

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2017/2017-Ohio-456.pdf>

There was insufficient evidence to support the jury's verdict for second-degree felony possession of, and trafficking in heroin. The lab supervisor who tested the heroin testified that the heroin was partially contained in plastic material, and she could not remove all the plastic. The heroin and plastic sample weighed 10.50 grams. Because there was no evidence of how much the plastic weighed, the Fourth District reversed the conviction and remanded them for judgments of conviction and appropriate sentences for fifth-degree felony convictions.

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

In re J.B., 2017-Ohio-406

Delinquency: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-406.pdf>

Summary from the Sixth District: “State’s failure to preserve recording of interview of juvenile amounted to bad faith requiring exclusion of testimony as to statements made during the interview. Trial court did not abuse its discretion in excluding log of victim’s Skype messages because the log was offered for the first time before being properly authenticated, and was offered for the second time during the testimony of a witness through whom hearsay objections could not be overcome.”

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. King, 2017-Ohio-462

Sentencing: Driver’s License Suspension

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-462.pdf>

Summary from the Eighth District: “The trial court did not include suspension of appellant’s driver’s license as part of appellant’s sentence, and that portion of appellant’s sentence is void.”

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

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.