

Appellate Court Decisions - Week of 3/13/17

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

First Appellate District of Ohio

State v. Jackson, 2017-Ohio-917

Jurisdiction: R.C. 2945.05: Jury Waiver

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-917.pdf>

Summary from the First District: “The trial court lacked jurisdiction to conduct a bench trial on a felony charge where defendant did not execute a jury waiver pursuant to R.C. 2945.05.”

State v. Dotson, 2017-Ohio-918

No-Contest Plea

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2017/2017-Ohio-918.pdf>

Summary from the First District: “The trial court abused its discretion in rejecting defendant’s proffered no-contest plea based solely on the court’s blanket policy of refusing to accept no-contest pleas.”

State v. Brice, 2017-Ohio-?

Nonsupport of Dependents

Full Decision:

http://www.hamiltoncountyohio.gov/UserFiles/Servers/Server_3788196/File/releases/C-160473_03172017.pdf

Summary from the First District:

“The trial court did not abuse its discretion in denying defendant’s request for a continuance where defendant had already been granted four continuances, the state had had its witnesses present at the previous trial setting, the trial court had informed defendant that if defendant did not retain private counsel as he claimed trial would proceed at the next setting with appointed counsel, and defendant’s claims of hiring a private attorney appeared to be false.

“Trial counsel was not ineffective where there was no indication in the record that counsel failed to produce key evidence at trial, counsel’s decision not to cross-examine a hostile witness could be fairly characterized as trial strategy, and there was no reasonable probability that counsel’s failure to object to certain testimony affected the outcome of the trial.

“The trial court did not abuse its discretion in ordering defendant to pay his accumulated child-support arrearage as a condition of community control, because the condition was reasonably related to defendant’s rehabilitation as it required him to support his daughter, was related to the crime of nonsupport, and ensured the good behavior of supporting his child.”

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

Nothing to report.

Sixth Appellate District of Ohio

State v. Bucklew, 2017-Ohio-860

Indictment

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-860.pdf>

Appellant was improperly indicted under R.C. 2925.041(A) (unlawful assembly of chemicals for the manufacture of drugs) as a second-degree felony, when the offense as charged should have been a second-degree felony. Conviction reversed and vacated.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Mullin, 2017-Ohio-939

Jail-Time Credit

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-939.pdf>

Summary from the Eighth District: “Trial court erred in failing to give jail-time credit for time spent at a community based control facility.”

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. Hall, 2017-Ohio-879

Sentencing: Allied Offenses

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/12/2017/2017-Ohio-879.pdf>

The trial court erred in failing to merge Appellant’s child endangering convictions with her involuntary manslaughter convictions for sentencing purposes.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.