

Appellate Court Decisions - Week of 3/16/15

First Appellate District of Ohio

Nothing new.

Second Appellate District of Ohio

Nothing new.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

State v. Wade, 2015-Ohio-997

Ineffective Assistance of Counsel

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/4/2015/2015-Ohio-997.pdf>

Although the error was harmless because of overwhelming evidence of guilt, trial counsel was ineffective for calling Appellant as a witness despite his prior felony convictions. Trial counsel received 18 of 20 pages of Appellant's criminal record in discovery and did not notice pages were missing. She did not accuse the prosecutor of misconduct. She did say, however, that had she seen the full report, she would have advised her client not to testify. Therefore, her decision to have him testify was not trial strategy and was ineffective assistance of counsel.

Fifth Appellate District of Ohio

Nothing new.

Sixth Appellate District of Ohio

State v. Lentz, 2015-Ohio-913

Motion to Suppress

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2015/2015-Ohio-913.pdf>

The trial court erred in denying Appellant's motion to suppress where the police did not have reasonable articulable suspicion of criminal activity to support their investigatory stop. Appellant merely went to a bar at 11 p.m., entered the side door (a public entrance) and exited the front door (also a public entrance), then, according to the officer, ran to his car. Although the officer said she observed 10 drug transactions in that parking lot, she had not observed any inside the bar. She had no knowledge of what happened in the bar. No criminal offenses or traffic violations were observed by the officer.

Seventh Appellate District of Ohio

Nothing new.

Eighth Appellate District of Ohio

Nothing new.

Ninth Appellate District of Ohio

Nothing new.

Tenth Appellate District of Ohio

Nothing new.

Eleventh Appellate District of Ohio

State v. Eggleston, 2015-Ohio-958

Motion to Suppress

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2015/2015-Ohio-958.pdf>

The trial court erred in denying Appellant's motion to suppress. Although the initial traffic stop was justified based on an excessive noise violation, the officer improperly and significantly extended the duration of the stop in order to conduct a K9 sniff of the vehicle without information to create a reasonable suspicion of drug activity to justify prolonging the detention.

In re: Von, 2015-Ohio-943

Sex Offender Classification

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2015/2015-Ohio-943.pdf>

I am certainly butchering this and oversimplifying it, so you should read this case if you have clients who were classified as sex offenders prior to the effective date of the Adam Walsh Act. That being said, this opinion basically says that the ability of "Tier I" sex offenders to terminate their registration requirements under R.C. 2950.15 applies retroactively to people classified prior to the Adam Walsh Act, despite the Ohio Supreme Court's holding in *Williams*, because R.C. 2950.15 is not punitive in nature.

Twelfth Appellate District of Ohio

Nothing new.

Supreme Court of Ohio

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.