

Appellate Court Decisions - Week of 3/18/13

Note: Anything that has "OVERVIEW" in front of it is the Lexis summary of a case.

First Appellate District of Ohio

State v. Belser, Appeal No. C-120390, Trial No. 12TRD-7365

R.C. 4549.08: Invalid License Plates: Mental State: Recklessness

Full Decision: http://www.hamilton-co.org/appealscourt/docs/decisions/C-120390_03222013.pdf

The mental state for R.C. 4549.08, Fictitious license plates or identification number or mark, is recklessness, not strict liability.

Summary from the First District:

The trial court erred in convicting the defendant of violating R.C. 4549.08, which prohibits the operation of a motor vehicle with invalid license plates, on the basis that the statute imposed strict liability; rather, because the statute did not specify a culpable mental state and did not plainly indicate an intent to impose strict liability, the state was required to show recklessness to obtain a conviction.

Supreme Court of Ohio

State v. Darmon et al., No. 2013-Ohio-966 (Decided March 21, 2013)

Discovery: Rule Violations: Sanctions: Prosecution and Defense

Full Decision: <http://www.sconet.state.oh.us/rod/docs/pdf/o/2013/2013-ohio-966.pdf>

From the Ohio Supreme Court: "The holding in *Lakewood v. Papadelis* that '[a] trial court must inquire into the circumstances surrounding a discovery rule violation and, when deciding whether to impose a sanction, must impose the least severe sanction that is consistent with the purpose of the rules of discovery' applies equally to discovery violations committed by the state and to discovery violations committed by a criminal defendant."

The Eighth District Court of Appeals had held that the *Lakewood* decision only applied to discovery violations made by the defense, and therefore, using the least severe sanction for violations by the state was not necessary. This was in contradiction to decisions from the First and Third District Courts of Appeals. The Supreme Court took the certification of conflict and held that the least severe sanction standard applies to discovery violations by both the defense and the state.

Sixth Circuit Court of Appeals

Nothing new.

Supreme Court of the United States

Nothing new.