

Appellate Court Decisions - Week of 3/18/19

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. Ward, 2019-Ohio-883

Mens Rea: Animal Cruelty.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-883.pdf>

Trial court erred in finding R.C. 959.13(A)(1), animal cruelty, to be a strict liability offense and in failing to instruct the jury on recklessness as the requisite culpability.

Spahr v. Martin, 2019-Ohio-962

Civil Sexually Oriented Offense Protection Order.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2019/2019-Ohio-962.pdf>

Trial court erred when it issued a civil sexually oriented offense protection order; even accepting all of petitioner's testimony as true, she did not meet her burden of demonstrating, by a preponderance of the evidence, that

appellant committed a sexually oriented offense under R.C. 2950.01(A).

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

State v. Patterson, 2019-Ohio-881

Sentencing.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2019/2019-Ohio-881.pdf>

In conviction by plea of guilty to assault, the trial court erred in failing to advise defendant of his constitutional right that he had the right to have the state prove his guilt beyond a reasonable doubt; and the court erred by incorrectly informing him that his post-release control was discretionary when it was mandatory. Finally, trial court erred by not making the necessary consecutive sentence findings.

Eighth Appellate District of Ohio

Nothing to report.

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. Young, 2019-Ohio-912

New Trial.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2019/2019-Ohio-912.pdf>

Trial court erred by overruling defendant's motion for leave to file a motion for a new trial, where defendant was unavoidably prevented from filing his motion for a new trial within the 14-day time period prescribed by Crim.R. 33(B). Defendant was not informed by his trial attorneys of the existence of a relevant photograph until after the trial, and the photograph was labeled "counsel only" which prevented defendant from having access to it.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.