

Appellate Court Decisions - Week of 3/25/19

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

State v. Curtis, 2019-Ohio-1106

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/4/2019/2019-Ohio-1108.pdf>

Summary from the Fourth District: “Trial court erred by not holding a hearing on Appellant's motion to withdraw guilty plea.”

Fifth Appellate District of Ohio

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Aidara, 2019-Ohio-978

Mistrial: Crim.R. 43(A): Judge: Jury

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-978.pdf>

Summary from the Eighth District: “It was error where the trial court communicated with the jury outside the presence of appellant. It was an abuse of discretion where the trial court provided the trial transcript to the jury during deliberations.”

State v. Doyle, 2019-Ohio-979

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-979.pdf>

Summary from the Eight District: “The trial court did not rely on what was deemed an unduly suggestive in-court identification during a bench trial. Further, the evidence admitted at trial was properly authenticated and identified in the record and the conviction is not against the weight of the evidence. The sentence imposed for a firearm specification attendant to a merged offense is void.”

State v. Hughes, 2019-Ohio-1000

Marsy’s Law: Appeal: Standing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1000.pdf>

Summary from the Eight District: “Although Marsy’s Law expanded the rights of victims of crime, it does not make a victim a party to a criminal case. Appellant lacks standing to bring this appeal.”

Ninth Appellate District of Ohio

State v. Flesch, 2019-Ohio-1039

Contempt: Due Process

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio->

[1039.pdf](#)

Appellant, a juror on another case, was found in direct contempt by the trial court after Appellant showed a newspaper article to other jurors about the case on which they were jurors. “Here, although the alleged conduct could be properly classified as direct contempt, the incident only occurred in the constructive presence of the court, and therefore summary proceedings under R.C. 2705.01 were not appropriate. A review of the record shows that, prior to finding [Appellant] guilty of contempt, the trial court did not provide him with notice of a contempt charge against him, did not afford him the right to counsel, and did not hold a hearing affording him the opportunity to be heard and to cross-examine witnesses. Therefore, we can only conclude that [Appellant]’s due process rights were violated and, consequently, that the trial court abused its discretion and erred in imposing criminal contempt sanctions.” (§ 15)

Tenth Appellate District of Ohio

State v. Wallace, 2019-Ohio-1005

Plea

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-1005.pdf>

Summary from the Tenth District: “Trial court completely failed to comply with Crim.R. 11(C)(2)(a) with respect to appellant's guilty plea to the charge of rape because court did not inform appellant of the sex offender classification, registration, and notification requirements that would result from conviction on that charge and there was no other basis on which the court could determine that appellant understood those penalties. Trial court did not commit plain error by failing to make a formal finding on the record that appellant was competent to stand trial or enter a plea because a mental evaluation ordered at the request of counsel found appellant to be competent, appellant's counsel stipulated to the mental evaluation report on two separate occasions, and there were no other indicia of incompetence in the record.”

State v. Groce, 2019-Ohio-1007

Engaging in a Pattern of Corrupt Activity

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-1007.pdf>

Summary from the Tenth District: “There is insufficient evidence to support Groce’s conviction for engaging in a pattern of corrupt activity and the attendant firearm specification. However, there is sufficient evidence to support Groce’s convictions for trafficking in cocaine, possession of cocaine, and illegal manufacture of drugs, and the attendant firearm specifications on these convictions. The trial court did not abuse its discretion in making its evidentiary rulings, the prosecutor’s statements in closing arguments did not deprive Groce of a fair trial, Groce did not receive the ineffective assistance of counsel, the trial court did not err in ruling on Groce’s Batson challenge, and the trial court did not err in determining which of Groce’s convictions merged with one another.”

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.