

Appellate Court Decisions - Week of 3/4/19

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

Nothing to report.

Sixth Appellate District of Ohio

Nothing to report.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

Nothing to report.

Ninth Appellate District of Ohio

State v. Hansing, 2019-Ohio-739

Sex offense: Weight of the Evidence.

Full Decision:

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

[739.pdf](#)

Conviction of sexual battery was not supported by the weight of the evidence, as the evidence did not support that the alleged victim with whom the defendant had sexual relations was substantially impaired or that defendant knew that the victim was substantially impaired; remanded for new trial.

Tenth Appellate District of Ohio

State v. Zimmerman, 2019-Ohio-721

Fair Trial: Evid.R. 606(B), Hearsay, and Improper Vouching.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-721.pdf>

In conviction of kidnapping, from the opinion: “We find that the jury foreperson’s admission that she saw excluded prejudicial evidence and relayed what she saw to the other jurors at the outset of deliberations, combined with the fact that police officer witnesses offered hearsay testimony and improperly vouched for the credibility of the victim, deprived Zimmerman of a fair trial.” Defendant’s motion for a new trial should have granted; the case was reversed and remanded for a new trial.

Eleventh Appellate District of Ohio

Patterson v. Bracy, 2019-Ohio-747

Habeas Corpus.

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-747.pdf>

Inmate’s writ of habeas corpus is granted, as attempted felony murder is not a crime under Ohio law and, therefore, conviction is void. A void conviction is a nullity, is open to collateral attack at any time, and such attack cannot be defeated by res judicata; even another appellate court’s decision to the contrary is not a bar to relief since habeas corpus proceedings are exempt from res judicata.

Twelfth Appellate District of Ohio

State v. Garrett, 2019-Ohio-750

Sentencing: Position of Trust

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2019/2019-Ohio-750.pdf>

Summary from the Twelfth District: “[T]he record clearly and convincingly does not support the trial court’s finding that [defendant] occupied a ‘position of trust’ under R.C. 2929.13(B)(1)(b)(viii)” which would allow the court to sentence defendant to a prison term. Such sentence was vacated and remanded for resentencing.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.