

Appellate Court Decisions - Week of 4/15/19

Note: This is not a comprehensive list of every case released this week.

First Appellate District of Ohio

State v. Green, 2019-Ohio-1428

Guilty Plea: Crim.R. 11

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1428.pdf>

Summary from the First District: “Defendant’s guilty pleas were not made knowingly, intelligently, and voluntarily where the trial court failed to inform defendant of the right to confront witnesses against him prior to accepting his pleas.”

State v. Brown, 2019-Ohio-1455

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1455.pdf>

Summary from the First District: “When, as part of the entry of a guilty plea on two counts of aggravated assault, defendant and the state agreed to jointly recommend an aggregate prison term between five to 13 years, and the trial court imposed an aggregate prison term within that range, there was an agreed sentence within the meaning of R.C. 2929.08(D)(1), even though defendant did not expressly agree to the specific prison term for each count and the consecutive combination of those terms. *State v. Gray*, 1st Dist. Hamilton No. C-030132, 2003-Ohio-5837, overruled.

“Defendant’s sentences for two felonious assaults were not reviewable on appeal where the sentences were authorized by law and jointly recommended.

“The consecutive sentencing findings the trial court made at the sentencing hearing in accordance with R.C. 2929.14(C)(4) to support the imposition of consecutive sentences for community-control violations were supported by the record; the trial court’s inadvertent failure to incorporate all of those statutory findings into the sentencing entries must be corrected on remand by nunc pro tunc orders.”

State v. Oglesby, 2019-Ohio-1456

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1456.pdf>

Summary from the First District: “The trial court did not abuse its discretion when it revoked defendant’s community control and imposed the suspended jail sentences where defendant not only failed to pay fines and court costs, but also failed to attend a corrective-thinking class, did not complete community service, and incurred new criminal charges.

“Defendant’s challenge to the trial court’s imposition of consecutive sentences is moot where defendant challenges only his sentences, and not his convictions, and has completed his sentences.”

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

State v. Wright, 2019-Ohio-1361

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1361.pdf>

Summary from the Eighth District: “Where trial court did not sentence defendant to consecutive sentences and the journal entries were silent as to whether the sentences were concurrent or consecutive, defendant’s sentences were concurrent as a matter of law; because the journal entry of sentencing was a final judgment, the trial court had no jurisdiction to resentence defendant to impose consecutive sentences; although the trial court may have intended to impose consecutive sentences, it could not use a nunc pro tunc entry to modify defendant’s sentence from concurrent to consecutive sentences because a nunc pro tunc entry may only be used to reflect what the court actually decided, not what it intended to decide.”

In re A.S., 2019-Ohio-1362

Delinquency: Restitution

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1362.pdf>

Summary from the Eighth District: “The trial court committed plain error by awarding \$224,514 in restitution where the record lacked competent, credible evidence to resolve the discrepancies in the requested restitution amounts.”

State v. Barron, 2019-Ohio-1447

Community Control Sanction

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1447.pdf>

Summary from the Eighth District: “The trial court’s 11-month prison sentence for appellant’s violation of community control sanction is contrary to law because, under the amended R.C. 2929.15, the punishment for a fifth-degree felony offender who violates his or her community control sanction by committing a misdemeanor offense cannot exceed 90 days of prison.”

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Walker, 2019-Ohio-1458

Engaging in a Pattern of Corrupt Activity: Sufficiency

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2019/2019-Ohio-1458.pdf>

Summary from the Tenth District: “There was insufficient evidence to support Walker’s conviction for engaging in a pattern of corrupt activity. However, there was sufficient evidence to support Walker’s convictions for trafficking in cocaine, possession of cocaine, and illegal manufacture of drugs. The trial court did not abuse its discretion in making its evidentiary rulings, the prosecutor’s statements in closing arguments did not deprive Walker of a fair trial, Walker did not receive the ineffective assistance of counsel, the trial court did not err in ruling on Walker’s *Batson* challenge, the trial court did not err in declining to merge Walker’s fifth-degree felony trafficking convictions with his first-degree felony trafficking conviction, and the trial court did not abuse its discretion in denying Walker’s motion to compel the disclosure of the identity of the confidential informant.”

Eleventh Appellate District of Ohio

State v. Jameson, 2019-Ohio-1420

Sealing of Records

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-1420.pdf>

The trial court erred in denying Appellant’s motion to seal the record of his conviction for negligent assault because it relied solely on the nature and circumstances of his offense in denying his application.

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.