

Appellate Court Decisions - Week of 4/2/18

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

First Appellate District of Ohio

State v. Robinson, 2018-Ohio-1315

Drug Abuse Instruments: Sufficiency

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-1315.pdf>

Summary from the First District: “Where defendant entered a no-contest plea to possessing drug-abuse instruments under R.C. 2925.12, which applies only where the instrument involved is a hypodermic or syringe, and the state’s explanation of the circumstances showed that defendant possessed a crack pipe, the state failed to establish all of the elements of the offense, and the trial court erred in finding defendant guilty of possessing drug-abuse instruments.”

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

State v. Konneh, 2018-Ohio-1239

Speedy Trial

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2018/2018-Ohio-1239.pdf>

[1239.pdf](#)

Appellant's motion to suppress did not toll speedy trial time on a charge against him that was filed after the motion to suppress was filed. Accordingly, on the newer charge, the state failed to bring him to trial on time and violated his right to a speedy trial.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. W.C., 2018-Ohio-1182

Expungement

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1182.pdf>

Summary from the Eighth District: "Trial court failed to set forth in the record its findings indicating the requisite interests of the defendant and the state, and weighing those interests against each other for this court to engage in meaningful appellate review of the decision to deny the appellant's motion to seal his arrest record following an acquittal."

State v. Hawthone, 2018-Ohio-1180

Jury Instructions: Self-Defense

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1180.pdf>

Summary from the Eighth District: "The trial court erred to appellant's prejudice where it informed appellant that he had to testify in order to advance a self-defense claim."

State v. Williams, 2018-Ohio-1297

Jail-Time Credit

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1297.pdf>

Summary from the Eighth District: “The trial court erred when it failed to calculate the amount of jail-time credit the defendant should receive. The defendant's sentence was not excessive under R.C. 2929.11 and 2929.12. The trial court properly considered the relevant factors when sentencing the defendant.”

State v. Strowder, 2018-Ohio-1292

Juvenile Bindover: Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1292.pdf>

Appellant was bound over from juvenile court and eventually sentenced to 50 years to life, consecutive to a different 9-year sentence. It was not clear when Appellant will be eligible for parole. His sentence was reversed and remanded for resentencing so the trial court can establish a record that demonstrates when Appellant will be eligible for parole in order to determine whether he, as a nonhomicide juvenile offender, has a meaningful opportunity for parole.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

Girard v. Oakman, 2018-Ohio-1212

Jury Trial: Obstructing Official Business

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2018/2018-Ohio-1212.pdf>

Because Appellant and his trial counsel did not receive proper notice of their trial date until one day before trial, Appellant was denied a fair opportunity to submit a timely jury demand. Appellant was therefore denied his right to a jury trial, and trial counsel was not afforded sufficient time to prepare for trial. Accordingly, Appellant’s case was reversed and

remanded for a new trial.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

United States v. Perkins, No. 17-5908

Motion to Suppress

Full Decision:

<http://www.opn.ca6.uscourts.gov/opinions.pdf/18a0068p-06.pdf>

Police received an anticipatory warrant that would be triggered by delivering a package to Perkins. Police delivered a package to someone at Perkins's home, but it was not Perkins. The police searched the home anyway. Because the proper triggering event occurred, the district court granted Perkins's motion to suppress, and the Sixth Circuit affirmed.

Supreme Court of the United States

Nothing to report.