

Appellate Court Decisions - Week of 4/23/18

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

State v. Povroznik, 2018-Ohio-1516

Sentencing: Allied Offenses

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1516.pdf>

Summary from the Eighth District: “Povroznik’s convictions were supported by sufficient evidence and were not against the manifest weight of the evidence. Felonious assault, domestic violence, and endangering

children are allied offenses of similar import that should have merged for sentencing where the offenses were committed with the same conduct, did not cause separate harm, and were committed with a single animus.”

State v. Robertson, 2018-Ohio-1640

Sentencing: Allied Offenses: Gross Sexual Imposition: Kidnapping

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1640.pdf>

Summary from the Eighth District: “The trial court erred when it did not merge defendant's kidnapping and gross sexual imposition offenses because they were allied offenses of similar import. The defendant did not inflict additional harm when he held the victim down for a few minutes to commit gross sexual imposition. But defendant's arguments regarding ineffective assistance of counsel and manifest weight of the evidence were overruled.”

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

Nothing to report.

Supreme Court of Ohio

State v. Wilks, 2018-Ohio-1562

Capital Punishment

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2018/2018-Ohio-1562.pdf>

The Ohio Supreme Court affirmed appellant's convictions and death penalty sentence, except it set aside one murder conviction because it should have merged with an aggravated murder conviction.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.