

## **Appellate Court Decisions - Week of 4/29/19**

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

### **First Appellate District of Ohio**

#### **State v. Brown, 2019-Ohio-1615**

**Evidence: Preservation: Dismissal**

**Full Decision:**

**<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-1615.pdf>**

**Summary from the First District: “The trial court erred in dismissing defendant’s traffic charges after holding that the police violated defendant’s due-process rights by failing to turn over video evidence from defendant’s traffic stop: defendant did not meet his burden to show that the video was materially exculpatory where the video had been lost as a result of a system malfunction and no one had viewed the video; and the police did not act in bad faith in failing to turn over the video.”**

### **Second Appellate District of Ohio**

#### **State v. Mosher, 2019-Ohio-1549**

**Motion to Dismiss: Speedy Trial**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-1549.pdf>**

**Summary from the Second District: “The trial court erred in denying defendant’s motion to dismiss on speedy trial grounds. In July 2011, the City initially sent the criminal complaint and summons to defendant by certified mail, alleging a tax offense on or about April 25, 2011. After the summons and complaint were returned unclaimed in December 2011, the City made no additional efforts to serve defendant within the statute of limitations. Defendant was not arraigned until February 28, 2018. The fact that the prosecutor believed that defendant was aware of the criminal complaint and that the parties had reached an anticipated settlement of the charge did not relieve the City of its obligation to serve the defendant, if it wished to preserve its ability to prosecute defendant in the event that the anticipated settlement fell through. Judgment reversed and conviction vacated.”**

**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. Roesky, 2019-Ohio-1538**

**Burglary: Sufficiency**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1538.pdf>

**Appellant's conviction for burglary was based on insufficient evidence where the state failed to present any evidence that she aided or abetted in the burglary. She was outside her own home, and her actions after her neighbor noticed her husband in Appellant's neighbor's home did not demonstrate a criminal relationship between the two.**

**Ninth Appellate District of Ohio**

*Nothing to report.*

**Tenth Appellate District of Ohio**

*Nothing to report.*

**Eleventh Appellate District of Ohio**

***State v. M.J., 2019-Ohio-1420***

**Sealing Record of Conviction**

**Full Decision:**

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

**The trial court abused its discretion in denying Appellant's motion to seal his record of conviction where it relied on the state's interest in maintaining the record outweighing Appellant's interest in having it sealed, and the state's interest was entirely based on the facts and circumstances of the case.**

**Twelfth Appellate District of Ohio**

***State v. Schuler, 2019-Ohio-1585***

**Complaint: Subject-Matter Jurisdiction**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2019/2019-Ohio-1585.pdf>

**Summary from the Twelfth District: "Trial court lacked subject-matter jurisdiction to convict defendant of animal cruelty related to three rabbits where the complaints were not valid under Crim.R. 3. Trial court properly convicted defendant of cruelty to companion animals related to two dehydrated and abnormally underweight dogs. Trial court did not err in ordering defendant to pay to pay restitution to the Butler County Dog Warden and the Animal Friends Humane Society where defendant stipulated to the restitution payment during the restitution hearing."**

**Supreme Court of Ohio**

***State v. Hairston, 2019-Ohio-1622***

**Fourth Amendment**

**Full Decision:**

<http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2019/2019-Ohio-1622.pdf>

**Police officers heard gunshots nearby. They responded. The saw only one person in the area. Totally reasonable and not an arrest to approach him**

with guns drawn, then conduct a *Terry* pat down because it was night in a high-crime area, and Appellee was the only person around in the area where police believed they heard gunshots.

**Sixth Circuit Court of Appeals**

*Nothing to report.*

**Supreme Court of the United States**

*Nothing to report.*