

Appellate Court Decisions - Week of 4/9/18

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

First Appellate District of Ohio

State v. Lewis, 2018-Ohio-1380

Sex Offender Classification

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-1380.pdf>

Summary from the First District: “Where the trial court correctly classified defendant as a Tier I sex offender under the Adam Walsh Act, but provided defendant with incorrect notice of his registration requirements, the remedy is to remand the cause for the court to correctly notify defendant of his Tier I registration and verification duties and their duration.”

State v. Littlepage, 2018-Ohio-1382

Postconviction: DNA

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-1382.pdf>

Summary from the First District: “The common pleas court did not err in denying defendant’s 2016 application under R.C. 2953.71 et seq. for DNA testing regarding his aggravated-murder offense, because his guilty plea to that offense excluded him from eligibility to request that testing. R.C. 2953.72(C)(2) and 2953.71(F).”

Second Appellate District of Ohio

Dayton v. King, 2018-Ohio-1319

Housing Ordinance

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/2/2018/2018-Ohio-1319.pdf>

Summary from the Second District: “Since Robert King’s tenant, Thaddeus Earl, was required by law to keep the leased premises safe and sanitary, and

dispose of waste in a sanitary manner, and since Earl, in executing the lease, further assumed the responsibility of complying with the housing code, the trial court erred in convicting King for the violation of R.C.G.O. 93.46(E), failure to maintain exterior premises. Judgment reversed and 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

State v. White, 2018-Ohio-1339

Motion to Suppress: Miranda

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/7/2018/2018-Ohio-1339.pdf>

“Appellant, Todd E. White, Jr., appeals the Columbiana County Common Pleas Court’s decision denying his suppression motion. The issue cited by Appellant on appeal is whether the trial court erred when it held that Appellant’s arrest for driving under suspension, an unclassified misdemeanor that specifically prohibits the imposition of a jail sentence, did not violate Appellant’s Article I, Section 14, Ohio Constitutional protections against warrantless arrests and improper search and seizure. Appellant contends that, as such protection already exists for minor misdemeanors which do not require a jail sentence, we should extend the same protection for unclassified misdemeanors that specifically prohibit the imposition of a jail sentence. For the reasons expressed below, we conclude that the trial court erred in denying Appellant’s motion to suppress based on the arresting officers’ failure to provide Appellant with his Miranda warnings before interrogating him when that improper

interrogation led to Appellant disclosing contraband he had hidden in his shoe. Accordingly, Appellant's assignment of error has merit. The judgment of the trial court is reversed and Appellant's conviction and sentence are vacated. This matter is remanded to the trial court for further proceedings according to law."

Eighth Appellate District of Ohio

State v. Jackson, 2018-Ohio-1306

Plea Agreement: Felonious Assault: Murder

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1306.pdf>

Summary from the Eighth District: "Where the state accepted a negotiated guilty plea to felonious assault without reserving the right to indict the defendant for murder if the victim subsequently dies, it was not error for the trial court to dismiss the state's indictment for murder."

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

State v. Whitling, 2018-Ohio-1360

Competency: Guilty Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2018/2018-Ohio-1360.pdf>

"Though the trial court complied with the requirements of R.C. 2945.37 by holding a competency hearing, it committed reversible error by failing to

journalize an entry finding appellant competent to stand trial prior to accepting appellant's guilty plea.”

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

State v. Warfield, No.17-3930 (unpublished)

Motion to Suppress

Full Decision:

<http://www.opn.ca6.uscourts.gov/opinions.pdf/18a0194n-06.pdf>

“Ohio State Trooper Hartford knew three things about Tyrone Warfield before stopping his car. He knew that Warfield, having recently exited a construction zone, was driving under the speed limit with both hands on the steering wheel. He knew that Warfield had touched the lane line twice. And he knew that Warfield was black. From there, Hartford cast off on a freewheeling investigation that began with a supposed marked lane violation, moved to suspicions of drunk driving, then to suspicions of trafficking untaxed cigarettes, and then on to drugs. The offense Warfield pleaded guilty to was even further adrift: the possession of gift cards re-encoded with stolen information. Because the initial stop was not supported by probable cause or reasonable suspicion, we reverse the district court’s denial of the motion to suppress and remand for further proceedings consistent with this opinion.”

Supreme Court of the United States

Nothing to report.