

Appellate Court Decisions - Week of 5/15/17

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

State v. Ragland, 2017-Ohio-2783

Court costs

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2017/2017-Ohio-2783.pdf>

Imposition of post-confinement payment plan for costs was erroneous, where costs from a criminal action can only be collected through civil enforcement.

State v. Stewart, 2017-Ohio-2785

Civil commitment/jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2017/2017-Ohio-2785.pdf>

Where appellant was found not guilty by reason of insanity, trial court did not err in denying appellant's motion for jail-time credit for period of time imposed for civil commitment, as Supreme Court has not extended jail-time credit to civil commitments pursuant to R.C. 2945.401(J)(1)(b).

In re L.S., 2017-Ohio-2782

Suppression of statements

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2017/2017-Ohio-2782.pdf>

Trial court did not err in suppressing statements made by juvenile when he was questioned by a retired police detective who was acting as an agent of

law enforcement, juvenile was in custody, and juvenile did not receive *Miranda* warnings.

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Stewart, 2017-Ohio-2842

Postrelease control

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2017/2017-Ohio-2842.pdf>

Because original sentencing entry did not include proper advisement of the consequences for violating postrelease control, and the trial court failed to inform appellant at sentencing of the consequence of violating the terms of postrelease control or that the parole board could impose a prison term of up to one-half of the original term, imposition of postrelease control was void; and as the appellant had finished his prison sentence on the original conviction, the trial court could not correct the defect. Therefore, the trial court erred in imposing the remaining postrelease control time upon a new violation and sentence for a subsequent conviction.

Sixth Appellate District of Ohio

State v. Welch, 2017-Ohio-2820

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-2820.pdf>

Trial court erred in imposing a no-contact provision together with a prison sentence, as court cannot impose a prison term and a community-control sanction for the same offense.

State v. Miller, 2017-Ohio-2818

Plea withdrawal

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2017/2017-Ohio-2818.pdf>

Trial court erred in denying appellant's motion to withdraw plea for sex offense; trial court did not satisfy Crim.R.11(C), as court informed appellant of his Tier III sex offender registration requirements, but failed to further notify him of the additional Tier III components of community notification and residential restrictions.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Amison, 2017-Ohio-2856

Sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-2856.pdf>

Trial court erred in imposing an 18-month prison term on one count, concurrent with a 3-year term of community control term on second count, as this was an improper split sentence; part of the community control sentence was to be served while appellant was in prison and part after his release.

Note: Be careful what you wish for; from the Eighth District's reasoning, the problem in this case was that the appellant was serving his sentences concurrently so that part of the community control sentence was while in prison and part while out of prison. It appears that if the trial court had made the sentences consecutive, proper because no split sentence, but longer time on community control when released.

State v. Foster, 2017-Ohio-2858

Suppression of search

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-2858.pdf>

Trial court did not err in granting motion to suppress search and subsequent statement by appellant, where during a traffic stop, a police officer went beyond the administrative caretaking functions for inventorying the vehicle's contents and instead conducted an investigatory search of a closed ice tea container.

State v. McCall, 2017-Ohio-2863

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2017/2017-Ohio-2863.pdf>

Trial court erred by failing to explain to appellant the effects of a plea of no contest; conviction reversed.

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. Van Tielen, 2017-Ohio-2799

Forfeiture

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/12/2017/2017-Ohio-2799.pdf>

Trial court erred in denying appellant's motion for return of property based on res judicata; case is remanded to trial court to rule on issue, as state did

not allege forfeiture of property in trial court nor include a forfeiture specification in the indictment.

Supreme Court of Ohio

Nothing to report.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.