

Appellate Court Decisions - Week of 5/21/18

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

First Appellate District of Ohio

State v. Jeffries, 2018-Ohio-2010

Batson

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-2010.pdf>

Summary from the First District: “The trial court’s decision overruling the defendant’s *Batson* challenge was not clearly erroneous where the state offered the race-neutral explanation that the prospective juror had been pulled over for OVI, the same offense for which the defendant was being tried.”

Second Appellate District of Ohio

State v. Maston, 2018-Ohio-1948

Evidence: Laboratory Report

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2018/2018-Ohio-1948.pdf>

Summary from the Second District: “Trial court did not err in overruling defendant’s motion to suppress. The officer diligently performed tasks needed to complete the traffic stop until back-up arrived, at which time he conducted a free-air sniff by his canine partner; the stop was not unreasonably extended to conduct the canine sniff. Defendant was not in custody when he made incriminating statements. Trial court erred in allowing the State to use at trial the laboratory report of the drug analysis, pursuant to R.C. 2925.51. The State’s service of a copy of the lab report on an attorney at the Public Defender’s Office did not satisfy R.C. 2925.51(A) when that attorney was no longer defendant’s attorney of record at the time of service. Defendant did not demonstrate ineffective assistance of counsel based on counsel’s failure to renew at trial the motion to suppress defendant’s statements. Judgment reversed as to possession of a controlled substance, and case remanded for further proceedings on that charge. Judgment affirmed as to possession of marijuana. (Tucker, J., concurring.)”

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

Toledo v. Williams, 2018-Ohio-1954

Complaint: Amendment

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2018/2018-Ohio-1954.pdf>

The trial court committed plain error in amending the domestic violence charges against appellant from fourth-degree misdemeanors to first-degree misdemeanors because doing so changed the nature and identity of the charges.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Greene, 2018-Ohio-1965

Community Control Sanctions

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1965.pdf>

The trial court erred in terminating Appellant's community control where Appellant was arrested for domestic violence, but never actually charged with a crime.

Lakewood v. Radostitz, 2018-Ohio-1971

Sentencing: Community Control

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-1971.pdf>

Summary from the Eighth District: “The condition of community control that prohibits an offender from having contact with his young children bears no relationship to the assault on his estranged wife or the offender's future criminality where the assault occurred outside the presence of the children, there is no evidence the father posed any threat to his children, and the wife fully supported the offender’s involvement in the children’s lives. The trial court therefore abused its discretion in ordering that the offender have no contact with his children for five years as a condition of his community control sanctions.”

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. Gordon, 2018-Ohio-1975

Sentencing: Postrelease Control

Full Decision:

<https://supremecourt.ohio.gov/rod/docs/pdf/o/2018/2018-ohio-1975.pdf>

“This case was accepted as a certified conflict between judgments of the

Ninth District and Fifth District Courts of Appeals. The Ninth District certified the issue in conflict as follows:

“Whether the post-release control notification of R.C. 2929.19(B)(2)(e) must include notification of the penalty provisions in R.C. 2929.141(A)(1)-(2), specifically, whether a trial court must inform an offender at the time of sentencing that the commission of a felony during a period of post-release control permits a trial court to impose a new prison term for the violation to be served consecutively with any prison term for the new felony.”

150 Ohio St.3d 1441, 2017-Ohio-7843, 82 N.E.3d 1175, quoting the court of appeals’ journal entry.

“Applying the plain language of R.C. 2929.19(B)(2)(e), we hold that the statute does not require that a trial court notify an offender at his initial sentencing hearing of the penalty provisions contained in R.C. 2929.141(A)(1) and (2) (provisions that apply only when an offender is convicted of committing a new felony while serving a period of postrelease control).”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.