

## Appellate Court Decisions - Week of 5/28/19

*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. Skirvin, 2019-Ohio-2040**

Court-appointed counsel fees

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-2040.pdf>

**Trial court erred in imposing court-appointed fees where it failed to make an explicit finding of defendant's ability to pay or of the amount of the fees.**

### Third Appellate District of Ohio

#### **In re D.D., 2019-Ohio-2073**

Juvenile; delinquency

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/3/2019/2019-Ohio-2073.pdf>

**Trial court erred by denying motion to withdraw admission and vacate adjudication for sex offense; juvenile court did not substantially comply with Juv.R. 29(D) by failing to discuss the rights listed in the rule with the juvenile during the adjudicatory hearing, rendering D.D.'s admission not knowingly, intelligently, and voluntarily entered.**

### Fourth Appellate District of Ohio

*Nothing to report.*

### Fifth Appellate District of Ohio

*Nothing to report.*

## Sixth Appellate District of Ohio

### **Maumee v. Hensley, 2019-Ohio-2050**

Sentencing and fines

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/6/2019/2019-Ohio-2050.pdf>

Under R.C. 2929.41(B)(1), the aggregate term to be served for consecutive sentences for misdemeanor offenses cannot exceed 18 months; therefore, the trial court abused its discretion in sentencing defendant to over 41 months. The trial court also abused its discretion when it imposed a cumulative fine of \$500 without considering defendant's present and future ability to pay, as he was homeless, was suffering from physical and mental health issues, and had been drug dependent for decades.

## Seventh Appellate District of Ohio

*Nothing to report.*

## Eighth Appellate District of Ohio

### **State v. Hunt, 2019-Ohio-1982**

Required evidence and testimony

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-1982.pdf>

Summary from the Eighth District: “[w]hen a defendant pleads guilty to aggravated murder in a capital case, a three-judge panel is required to examine witnesses and to hear any other evidence properly presented by the prosecution in order to make a Crim.R. 11 determination as to the guilt of the defendant under R.C. 2945.06.” *See State v. Green*, 81 Ohio St.3d 100, 1998-Ohio-454, 689 N.E.2d 556. But because of defendant's delay, there was no transcript available; therefore, the regularity of the proceedings must be presumed and judgment affirmed.

### **State v. March, 2019-Ohio-2001**

Weapons offense; sufficiency

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-2001.pdf>

Defendant's conviction for having weapons while under a disability was not supported by sufficient evidence where state failed to prove that defendant was a "fugitive from justice;" state presented no evidence defendant was aware he was being sought by police nor that he took affirmative action to elude detection.

### 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. Martin, 2019-Ohio-2010**

Speedy trial

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2019/2019-Ohio-2010.pdf>

A criminal defendant's right to a speedy trial is not violated when requests for continuances are not specifically identified in a court's written entries or the entries do not explain the precise reason for the delays, so long as the "facts and circumstances of the case show that the underlying source of the delay was attributable to the defendant. . . ."

### Sixth Circuit Court of Appeals

*Nothing to report.*

**Supreme Court of the United States**

*Nothing to report.*