

Appellate Court Decisions - Week of 7/18/16

First Appellate District of Ohio

Nothing new.

Second Appellate District of Ohio

State v. Brown, 2016-Ohio-4973

Miranda: Statement: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2016/2016-Ohio-4973.pdf>

The trial court did not err in granting Appellee's motion to suppress his statement to police where Appellee was in custody for *Miranda* purposes when he was questioned. When Appellee was pulled over for not having a light on his license plate, his passenger got out of the vehicle and ran because he erroneously believed he had an active warrant. The officer caught the passenger, then returned to Appellee's car and asked for his license. Appellee did not have a license. The officer told him to get out of the car and escorted him to the back of the cruiser. He was not handcuffed and was not told he was under arrest, but he was not free to leave. The police conducted an inventory search before the vehicle was towed and found a baggie of suspected crack cocaine in the vehicle. The officer returned to the cruiser, and before giving Appellee the *Miranda* warnings, asked him, "Whose drugs are these?" Appellee responded they were his.

Third Appellate District of Ohio

Nothing new.

Fourth Appellate District of Ohio

Nothing new.

Fifth Appellate District of Ohio

State v. Kalman, 2016-Ohio-5013

Weapons Under Disability: Sufficiency

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2016/2016-Ohio-5013.pdf>

There was insufficient evidence to convict Appellant of having weapons while under disability where there was no testimony the weapons found were registered to Appellant, no fingerprints were found, a state's witness could only "guess" the guns in one trailer may have belonged to Appellant because he sometimes used that trailer, the detective said she would not have been surprised if there had been multiple owners of the firearms on the property, and there was testimony there were actually other firearms owners on the property.

Sixth Appellate District of Ohio

Nothing new.

Seventh Appellate District of Ohio

Nothing new.

Eighth Appellate District of Ohio

Nothing new.

Ninth Appellate District of Ohio

Nothing new.

Tenth Appellate District of Ohio

State v. Peirano, 2016-Ohio-5045

Burglary: Dismissal

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2016/2016-Ohio-5045.pdf>

The trial court did not err in dismissing Appellee's motion to dismiss the indictment against her for trespassing and burglary. Appellee was the sole owner of the home where she allegedly trespassed. She moved to Florida while her divorce was pending with her husband, who stayed at the residence in question. Apparently nobody paid the mortgage, so the house was up for a sheriff's sale. Appellee visited the property before the sale, and

it was still titled in her name. Appellee could not trespass, and therefore could not commit burglary, at a property she owned.

Eleventh Appellate District of Ohio

Nothing new.

Twelfth Appellate District of Ohio

Nothing new.

Supreme Court of Ohio

Nothing new.

Sixth Circuit Court of Appeals

Nothing new.