

## **Appellate Court Decisions - Week of 7/27/20**

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

### **First Appellate District of Ohio**

#### **In re Feagan, 2020-Ohio-3788**

**Indirect criminal contempt**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2020/2020-Ohio-3788.pdf>**

**Trial court erred by finding appellant in indirect criminal contempt; contempt “requires an affirmative act of disobedience of or resistance to a court order.” There was no evidence that appellant committed any affirmative act to violate the court’s order nor did appellant initiate, encourage, or ratify another’s conduct in violating the court’s order.**

### **Second Appellate District of Ohio**

#### **State v. Christian, 2020-Ohio-3816**

**Consecutive sentences**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2020/2020-Ohio-3816.pdf>**

**Trial court erred by ordering sentences on two counts to be run consecutively when the counts were originally ordered to be served concurrently; no new factual circumstances had developed since the prior sentencing hearing, other than the legislature deciding that lesser prison terms should apply to appellant’s offenses. As the trial court admitted as much, its change of concurrent sentences to consecutive was error.**

### **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**

*Nothing to report.*

**Eighth Appellate District of Ohio**

*Nothing to report.*

**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. Hudson, 2020-Ohio-3849**

**Postrelease control**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-3849.pdf>**

**OSC holds that “[s]entencing errors in imposing postrelease control render the sentence voidable, not void, and the doctrine of res judicata will apply to**

collateral attacks on it . . . any claim that the trial court has failed to properly impose postrelease control in the sentence must be brought on appeal from the judgment of conviction or it will be subject to principles of res judicata.” Following *State v. Harper*, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-2913, \_\_\_ N.E.3d \_\_\_.

## **Sixth Circuit Court of Appeals**

***United State v. Ward, No. 19-3395***

**Suppression**

**Full Decision:**

**<http://www.opn.ca6.uscourts.gov/opinions.pdf/20a0231p.06.pdf>**

**In government’s appeal, district court did not err in granting appellant’s motion to suppress because “the government failed to establish a sufficient nexus between [appellant’s] drug-dealing and his home.” The search warrant and supporting affidavit did not establish probable cause to search appellant’s home, and the search could not be saved by the good faith exclusion; the affidavit was “so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.”**

## **Supreme Court of the United States**

***Nothing to report.***