

## Appellate Court Decisions - Week of 7/30/18

*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

*Nothing to report.*

### 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

#### **Cleveland v. Glaros, 2018-Ohio-3058**

**Wrongful Entrustment of Vehicle: Sufficiency: Weight**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3058.pdf>

**Summary from the Eighth District: “Defendant-appellant’s conviction for wrongful entrustment of a motor vehicle, a violation of C.C.O. 435.05(a)(1), is reversed and remanded to the trial court with instructions to vacate the**

conviction. The City did not prove that the defendant permitted another to drive her vehicle or that she knew or had reason to know that the driver of her vehicle did not have a valid driver's license.”

### ***State v. Anderson, 2018-Ohio-3051***

Motion to Dismiss: Guilty Plea: R.C. 2505.02(B)(4)

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3051.pdf>

“In 1996, defendant-appellant Sherman Anderson shot his girlfriend in the head and left her in a “persistent vegetative state.” He pleaded guilty to attempted murder. The victim died in 1998 as a result of her injuries. Nineteen years later, the state charged Anderson with murder. Citing *State v. Carpenter*, 68 Ohio St.3d 59, 60, 623 N.E.2d 66 (1993), Anderson filed a motion to dismiss the indictment because the state did not expressly reserve the right to file additional charges on the record at the time of his guilty plea. The court denied the motion to dismiss, finding that the state did not anticipate the 1996 plea would terminate the entire incident. Anderson appeals.”

First, following *State v. Anderson*, 138 Ohio St.3d 264, 2014-Ohio-542, 6 N.E.3d 23, the Eighth District held that the denial of the motion to dismiss the indictment was a final appealable order.

Second, when Anderson pleaded guilty, “the state failed to reserve the right to bring additional charges even though it knew at the time of his guilty plea that the victim’s condition — a persistent vegetative state — would not improve in the future.” Without reserving the right to bring additional charges, the state could not bring the new charges. Therefore, the Eighth District held that the trial court erred in denying the motion to dismiss the indictment.

### **Ninth Appellate District of Ohio**

#### ***State v. Mackim, 2018-Ohio-3033***

OVI: Motion to Suppress

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2018/2018-Ohio-3033.pdf>

The trial court erred in denying Appellant’s motion to suppress. Her

encounter with police started as community caretaking function because police received a call about her passed out in a vehicle. However, the trial never analyzed whether the police officer had reasonable suspicion to administer field sobriety tests, nor whether there was probable cause to arrest. The case was remanded for findings.

**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**

*Nothing to report.*

**Sixth Circuit Court of Appeals**

*Nothing to report.*

**Supreme Court of the United States**

*Nothing to report.*