

## Appellate Court Decisions - Week of 7/9/18

*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

#### **State v. Lillie, 2018-Ohio-2714**

**Assault: Sufficiency/Weight**

**Full Decision:**

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2018/2018-Ohio-2714.pdf>

**Appellant's conviction for assault was based on insufficient evidence where the alleged victim described Appellant's contact with her as a "light push," and she did not sustain any injury.**

### Sixth Appellate District of Ohio

*Nothing to report.*

### Seventh Appellate District of Ohio

*Nothing to report.*

### Eighth Appellate District of Ohio

#### **State v. B.H., 2018-Ohio-2649**

## Sealing Records

### Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-2649.pdf>

**Summary from the Eighth District: “Trial court’s judgment summarily denying defendant’s application for expungement reversed where trial court did not place its findings on the record to demonstrate compliance with R.C. 2953.32, including whether trial court exercised its discretion under R.C. 2953.32(C)(2) to not consider applicant’s prior sealed convictions in considering her application.”**

**Of note, this case also says: “R.C. 2953.32 allows but does not require a trial court to consider a prior sealed record in deciding whether to seal a record under R.C. 2953.32.” Theoretically, that would mean one could be eligible for expungement (sealing) multiple times over if that person continued to meet the eligible offender requirements each time through the expungement process.**

***State v. Perez, 2018-Ohio-2724***

### Plea

### Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-2724.pdf>

**Summary from the Eighth District: “The trial court abused its discretion in rejecting the plea set forth on the record without explaining its reasons for the rejection.”**

***Lakewood v. Tate, 2018-Ohio-2731***

### Driving Under Suspension: Sufficiency

### Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-2731.pdf>

**Summary from the Eighth District: “The municipal court had jurisdiction over a uniform traffic ticket. The evidence did not support the driving under suspension conviction; appellant had limited driving privileges and the record demonstrates that he was driving within the privileges.”**

**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**

*Nothing to report.*

**Sixth Circuit Court of Appeals**

*Nothing to report.*

**Supreme Court of the United States**

*Nothing to report.*