

Appellate Court Decisions - Week of 8/12/19

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

First Appellate District of Ohio

State v. Smith, 2019-Ohio-3257

Confrontation clause

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2019/2019-Ohio-3257.pdf>

Trial court erred in admitting police body-camera interview of witness who failed to appear at trial, in violation of both the Confrontation Clause and on hearsay grounds, as statements were not admissible as an excited utterance or present sense impression; case reversed and remanded for a new trial.

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

State v. Hager, 2019-Ohio-3191

Restitution

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2019/2019-Ohio-3191.pdf>

State concedes that trial court erred in ordering restitution without a hearing; case remanded for hearing.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Benson, 2019-Ohio-3234

Suppression of statement

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-3234.pdf>

Once appellant admitted to having drugs in her purse and was removed from her vehicle, she was, as would any reasonable person believe, in custody; therefore, her statements after she was in custody should have been suppressed due to the police officer's failure to give her *Miranda* warnings.

Twelfth Appellate District of Ohio

Nothing to report.

Supreme Court of Ohio

State v. Hitchcock, 2019-Ohio-3246

Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2019/2019-Ohio-3246.pdf>

Absent statutory authorization, a trial court may not impose community-control sanctions on one felony count to be served consecutively to a prison term imposed on a separate felony count.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.