

Appellate Court Decisions - Week of 8/24/20

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. Campbell, 2020-Ohio-4119

Suppression

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4119.pdf>

Trial court erred when it denied appellant's motion to suppress evidence discovered by his probation officer during a random search because the "trial court's inclusion of provision in the terms of community control, obligating [appellant] to consent to searches of his person, property, vehicle, and residence at any time without a warrant exceeds the court's sentencing authority as it omits the statutorily required notice and reasonable grounds to support the search [found in R.C. 2951.02]."

State v. Wallace, 2020-Ohio-4168

Suppression

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4168.pdf>

Trial court erred when it denied appellant's motion to suppress evidence discovered during search of residence. "[E]vidence confirming the source of the marijuana odor, demonstrating a fair probability that raw marijuana was inside the home, was obtained by the illegal entry to the curtilage and inside the home. . . After excluding the facts obtained through [the illegal] entry on the curtilage and into the home, the affidavit [for the search warrant] lacked any evidence that connected the strong odor of marijuana and the inside of the home."

State v. Baker, 2020-Ohio-4199

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2020/2020-Ohio-4199.pdf>

Guilty pleas were not knowingly, intelligently, and voluntarily made where trial court failed to comply with Crim.R. 11; court failed to inform appellant prior to accepting his plea that a sentence for a post-release control violation must be served consecutively to the sentence imposed for a new felony pursuant to R.C. 2929.141(A)(1).

Sixth Appellate District of Ohio

State v. Sepeda, 2020-Ohio-4167

Other acts evidence of victim

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2020/2020-Ohio-41367.pdf>

Trial court erred by excluding other-acts evidence of victim, or reverse 404(B) evidence, under Evid.R. 404(B); reverse 404(B) evidence is permitted so long as its probative value is not substantially outweighed by its prejudice under Evid.R. 403. Here, the appellate court found that "the probative value of [the victim's] prior confrontation with McMahan was not substantially outweighed by the danger of unfair prejudice, of confusion of the issues, or of misleading the jury. In offering this evidence, appellant sought to establish [the victim's] pattern of aggressive behavior, first with an unprovoked attack on McMahan and second with an unprovoked attack on appellant." Case remanded for new trial.

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Mitchell, 2020-Ohio-4132

Jury instructions

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-4132.pdf>

Appellant's conviction for aggravated murder is vacated and remanded for a new trial where trial court committed plain error in its jury instruction; such "instruction erroneously permitted the jury to convict him of aggravated murder of [the victim] if they found that he 'intended to cause the death of or injury to [another person],' and thus eliminated the state's statutory burden of proving his specific intention to cause death."

State v. Young, 2020-Ohio-4135

NGRI

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2020/2020-Ohio-4135.pdf>

Trial court committed plain error in determining its jurisdiction over appellant, who was found not guilty by reason of insanity of aggravated burglary, was only 11 years. Under the Reagan Tokes Act, the maximum prison term appellant could have received was 11 years minimum to a maximum 16 1/2 years; therefore, the trial court had jurisdiction over appellant for that indefinite term.

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.