

Appellate Court Decisions - Week of 8/26/19

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

State v. Klase, 2019-Ohio-3392

Suppression

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-3392.pdf>

In state appeal, grant of motion to suppress warrantless search was not error where appellant was taken into custody for hospitalization for mental illness pursuant to R.C. 5122.10; such statute specifically states “that the custody-taking is not a criminal arrest” so search was not authorized as incident to a valid arrest nor was it pursuant to inventory procedures.

State v. Sarr, 2019-Ohio-3398

Allied offenses

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2019/2019-Ohio-3398.pdf>

Trial court erred in failing to merge the offenses of kidnapping and gross sexual imposition as allied.

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

State v. Rubenstein, 2019-Ohio-3417

Jury trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2019/2019-Ohio-3417.pdf>

In conviction for criminal damaging, a misdemeanor of the second degree, trial court committed plain error in conducting a bench trial after appellant filed a written demand for a jury trial and never file a subsequent written waiver of her right to a jury trial under R.C. 2945.05.

Tenth Appellate District of Ohio

Nothing to report.

Eleventh Appellate District of Ohio

State v. Lantz, 2019-Ohio-3439

NGRI/Jurisdiction

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/11/2019/2019-Ohio-3439.pdf>

After appellant was found not guilty by reason of insanity in 2009 for two counts of felonious assault, trial court erred in concluding it had continuing jurisdiction over appellant for 16 years; R.C. 2945.401(J) provides that jurisdiction only continues for the maximum term of the most serious offense which was 8 years for the felony of the 2nd degree in this case.

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.