

Appellate Court Decisions - Week of 9/3/18

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

First Appellate District of Ohio

State v. Olagbemi, 2018-Ohio-3540

Motion to Suppress: Search: Automobile

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-3540.pdf>

Summary from the First District: “The trial court did not err by denying defendant’s motion to suppress drugs, claimed to be the fruits of an illegal search of the passenger compartment of an automobile during a lawful traffic stop, because a limited protective search of the automobile was warranted for officer safety where the police possessed a reasonable belief, based on the totality of the circumstances, including the observance of furtive movements and some corroboration of a tip from a confidential informant, that defendant, who was the passenger, was trafficking in heroin, was dangerous, and may have gained immediate control of a weapon.”

State v. Siemering, 2018-Ohio-3541

Postconviction: Sentencing

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-3541.pdf>

Summary from the First District: “The common pleas court had no jurisdiction to entertain defendant’s postconviction motion seeking resentencing for his community-control violations, because the motion was not reviewable under any postconviction procedure provided by statute or rule, and his sentences were not void: the trial court had not demonstrably lacked the authority to impose a prison term, because in the absence of a transcript of the prior sentencing hearing, the record cannot be said to show the alleged deficiency in R.C. 2929.19(B)(4) notification; and the trial court, in originally sentencing defendant, had had the discretion and statutory authority to order that his community-control sanctions be served consecutively to the prison term imposed for another offense.”

State v. Rucker, 2018-Ohio-3575

Final Order: Sex-Offender Classification

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-3575.pdf>

Summary from the First District: “The trial court’s order purporting to classify defendant as a Tier II sex offender under Ohio’s version of the Adam Walsh Act was not final and appealable, because it did not meet the requirement that the judgment of conviction must be a single document that includes the fact of conviction, the sentence, the judge’s signature, and the time stamp; therefore, defendant’s appeal from that order must be dismissed.”

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. Hill, 2018-Ohio-3564

Appellate Rule 26(B): Reopen Appeal

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-3564.pdf>

Summary from the Eighth District: “The application for reopening pursuant to App.R. 26(B) was granted where a genuine issue exists as to whether appellate counsel was ineffective in failing to argue the key issues surrounding the involuntary manslaughter conviction.”

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.