

Appellate Court Decisions - Week of 9/7/21

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

First Appellate District of Ohio

State v. Diol, C-200285

Motion to withdraw plea; *Padilla*

Full Decision: (No web cite as of yet).

Trial court erred in denying appellant's motion to vacate his guilty plea; appellant's trial counsel was ineffective in failing to advise him that his drug convictions would result in automatic deportation from the United States.

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

Nothing to report.

Ninth Appellate District of Ohio

Nothing to report.

Tenth Appellate District of Ohio

State v. Peeks, 2021-Ohio-3045

Suppression; pat down

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2021/2021-Ohio-3045.pdf>

In state's appeal, the trial court did not err in granting appellant's motion to suppress the pat down of his person after police stopped his vehicle. "There was no basis for [the officer] to pat down [appellant's] outer clothing which revealed the presence of crack cocaine." According to the testimony of the officer, appellant made no furtive movements nor any indication that appellant possessed a weapon. Although reasonable suspicion existed to request that appellant perform field sobriety tests, that suspicion did not support or permit the officer to frisk or search appellant. COA also held that the good-faith exception did not apply.

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.