

Appellate Court Decisions - Week of 11/8/21

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

First Appellate District of Ohio

State v. Lee, 2021-Ohio-3918

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/1/2021/2021-Ohio-3918.pdf>

Appellant's plea was not knowingly, voluntarily, nor intelligently made where the trial court failed to substantially comply with Crim.R. 11(C)(2)(a); court failed to properly advise appellant of the maximum penalty she could receive under the Reagan Tokes Law.

Second Appellate District of Ohio

State v. Peterson, 2021-Ohio-3947

Allied offenses

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2021/2021-Ohio-3947.pdf>

Trial court erred in failing to merge appellant's convictions for menacing and domestic violence, as they were allied offenses of similar import.

State v. Reid, 2021-Ohio-3948

Consecutive sentences

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2021/2021-Ohio-3948.pdf>

Trial court committed plain error in imposing consecutive sentences where there was "no exception to the general rule requiring concurrent sentencing"

Third Appellate District of Ohio

Nothing to report.

Fourth Appellate District of Ohio

Nothing to report.

Fifth Appellate District of Ohio

State v. Russell, 2021-Ohio-3982

Allied offenses

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/5/2021/2021-Ohio-3982.pdf>

Trial court committed plain error by failing to merge appellant's convictions for felonious assault where the offenses were committed with a single act of striking a single victim and single animus; concurrent sentences are not the same as merging allied offenses of similar import.

Sixth Appellate District of Ohio

State v. Martinez, 2021-Ohio-3994

Reagan Tokes sentencing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-3994.pdf>

Trial court erred in failing to “take the additional, mandatory step of calculating and determining appellant’s aggregate minimum and maximum terms of incarceration, as required by R.C. 2929.144(B)(2).”

Seventh Appellate District of Ohio

Nothing to report.

Eighth Appellate District of Ohio

State v. Byas, 2021-Ohio-3924

Plea

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-3924.pdf>

Appellant’s plea was not voluntarily entered where the plea offer came from the trial court, not the prosecutor. “Here, the trial court offered an ultimatum to [appellant] with respect to the new case — accept the trial court’s plea offer and resolve the new case today, or the trial court would find him in violation of his community control and impose a prison sentence of three or six years on the violations. Like *Heard*, 2017-Ohio-8310, 87 N.E.3d 245 [8th Dist.], the trial court’s ultimatum in this case can only be considered coercion.” Appellant was also never given prior notice that he would be facing a hearing on the alleged community control violation. “The trial court’s coercion — accept the trial court’s plea in the new case or be sentenced to prison that day on the unrelated violations — left [appellant] without a meaningful opportunity to enter a knowing, intelligent, and voluntary plea in the new case.” It should be noted the appellate court pointed out that the trial judge in this case was the same judge as in the *Heard* case.

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

State v. Jordan, 2021-Ohio-3922

Warrantless arrest

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2021/2021-Ohio-3922.pdf>

“Neither a showing of exigent circumstances nor a showing of the impracticability of obtaining an arrest warrant is necessary to sustain the constitutionality of a warrantless arrest under either the United States Constitution or the Ohio Constitution.”

“R.C. 2935.04, Ohio’s felony-arrest statute, authorizes a warrantless arrest ‘[w]hen a felony has been committed, or there is reasonable ground to believe that a felony has been committed’ and there is ‘reasonable cause to believe’ that the person being arrested is guilty of the offense. This court has held, consistently with United States Supreme Court precedent, ‘A warrantless arrest that is based upon probable cause and occurs in a public place does not violate the Fourth Amendment’ to the United States Constitution. *State v. Brown*, 115 Ohio St.3d 55, 2007-Ohio-4837, 873 N.E.2d 858, ¶ 66, citing *United States v. Watson*, 423 U.S. 411, 96 S.Ct. 820, 46 L.Ed.2d 598 (1976). Today, we reiterate that holding and further hold that neither a showing of exigent circumstances nor a showing of the impracticability of obtaining an arrest warrant is necessary to sustain the constitutionality of a warrantless arrest under either the United States Constitution or the Ohio Constitution.”

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.