

Appellate Court Decisions - Week of 12/20/21

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

First Appellate District of Ohio

State v. Martin, C-210263

Due process; facts not alleged in complaint

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

Trial court erred in convicting appellant for violating a protection order where the court relied on facts not alleged in the complaint. The complaint stated that appellant had contact with the alleged victim on or about October 3, 2020, and the only facts presented at trial concerned alleged Facebook messages sent in July 2020. “It is improper to move the identity of the crime from events on or about October 3, 2020, to completely different events in July 2020.”

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

State v. Johnson, 2021-Ohio-4447

Community control violations

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-4447.pdf>

Trial court abused its discretion in finding that appellant had violated his community control where the court had previously found that appellant did not commit probation violations because he only had pending cases but no convictions. Subsequent to that finding, appellant did not receive any additional notices of violations. Therefore, it was error for the court to later find appellant had violated his community control.

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

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. Harrison, 2021-Ohio-4465

Fourth Amendment

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2021/2021-Ohio-4465.pdf>

“[OSC] conclude[s] that if (1) a court officer documents a finding of probable cause to believe that an identified criminal offense was committed by the defendant named in a sworn criminal complaint and accompanying affidavit and (2) an arrest warrant is attached to and expressly incorporates the

complaint, then a valid arrest warrant has been issued under Crim.R. 4(A)(1) and 4(C)(1). The absence of a signature on the arrest warrant itself does not negate the warrant's validity. An arrest predicated on that warrant therefore does not violate either Crim.R. 4 or the Fourth Amendment to the United States Constitution.”

State ex rel. Ogle v. Hocking Cty. Common Pleas Court, 2021-Ohio-4453

Writs

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/o/2021/2021-Ohio-4453.pdf>

“[Appellant] has stated a colorable claim that [the trial judge] violated her Sixth Amendment rights when he ordered her to not communicate with any lawyer and then sentenced her [while unrepresented] and that this error rendered the sentencing entry void.” Therefore, it was error for the COA to dismiss her petition for writs of prohibition and mandamus. However, her motion to disqualify opposing counsel was properly denied, where appellant was never a client of that opposing counsel so there was no conflict. Case remanded for COA to consider merits of appellant's writs.

Sixth Circuit Court of Appeals

Nothing to report.

Supreme Court of the United States

Nothing to report.