

## Appellate Court Decisions - Week of 4/5/21

*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. Thompson, 2021-Ohio-1118**

Suppression

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/2/2021/2021-Ohio-1118.pdf>

Trial court erred when it denied appellant's motion to suppress without an evidentiary hearing. The trial court erroneously believed its ruling in the prior case that had been dismissed by the state controlled the new case where the appellant had been re-indicted, but res judicata did not bar the suppression challenge in the new case. "Because [the prior dismissal] is not an adjudication on the merits and leaves the parties as if the action never had been commenced, 'a dismissal without prejudice is not a final order.'" The trial court also could have ruled the motion to suppress as untimely, but it did not. Convictions reversed and case remanded for evidentiary hearing on motions to suppress.

### 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. Wheeler, 2021-Ohio-1074**

Sentence

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-1074.pdf>

In conviction for failure to comply, a third-degree felony, the trial court erred in imposing a 36-month sentence where it appeared it may have mistakenly believed there was a presumption of prison under R.C. 2929.13(B). Sentence vacated and remanded for new sentencing hearing.

### Seventh Appellate District of Ohio

*Nothing to report.*

### Eighth Appellate District of Ohio

***State v. Eldridge, 2021-Ohio-1083***

Jail-time credit

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2021/2021-Ohio-1083.pdf>

The trial court committed plain error in failing to calculate the amount of jail-time credit and state such amount in appellant's sentencing entry. Remanded for such calculation.

### Ninth Appellate District of Ohio

***State v. Stutzman, 2021-Ohio-995***

Competency

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/9/2021/2021-Ohio-995.pdf>

In state's appeal, the trial court did not abuse its discretion by finding appellant incompetent to stand trial. "[W]hen a trial court is presented with competing expert testimony, it is 'entitled to use its broad discretion in weighing the credibility of the experts and assigning value to their testimony.' *Zeidman v. Zeidman*, 10th Dist. Franklin No. 15AP-783, 2016-Ohio-4767, ¶ 25; *State v. Michel*, 9th Dist. Summit No. 25184, 2011-Ohio-2015, ¶ 32 (addressing competing expert testimony and noting that the finder of fact is in the best position to assess the weight and credibility of that evidence)."

**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.*