

Appellate Court Decisions - Week of 6/28/21

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

First Appellate District of Ohio

State v. Brown, C-190755

Suppression; investigatory stop of automobile

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

In state's appeal, trial court did not err in granting appellant's motion to suppress the stop of his vehicle. Police officer did not articulate any fact indicating that appellant was a drug dealer that would "establish a reasonable suspicion that [appellant] was committing a crime." Judgment of trial court affirmed.

State v. Wilcox, C-190495

Restitution and appointed counsel fees

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

Trial court erred in ordering restitution to victim who suffered no economic harm because her bank did not make her pay for the charges incurred by appellant; and as state failed to file a cross-appeal, the COA is precluded from granting its request that the bank be substituted as victim. Trial court also erred in imposing court-appointed-counsel fees as part of appellant's sentence; those costs may only be ordered as a civil judgment. *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786. Restitution and court-appointed-counsel fees vacated.

State v. Freeman, C-190751

Violent offender registry; credit for time served

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

Trial court erred in notifying appellant that he was required to enroll in the violent offender registry where the charges of aggravated robbery, robbery, attempted felonious assault, and failure to comply are not one of the enumerated offenses for which an offender is placed on the registry. "Pursuant to R.C. 2903.41, the violent offender registry only applies to persons who are found guilty of violating 'sections 2903.01, 2903.02, 2903.03, 2905.01 of the Revised Code or a violation of section 2905.02 of the Revised Code that is a felony of the second degree.'" Court also erred in failing to include the number

of days for which appellant was entitled to credit for time served.

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. Hair, 2021-Ohio-2136

Record sealing

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/6/2021/2021-Ohio-2136.pdf>

Trial court erred in denying appellant's application to seal his dismissed traffic cases without holding a hearing; such hearing is mandatory under R.C. 2953.52(B).

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

City of Columbus v. Davis, 2021-Ohio-2114

Jury trial

Full Decision:

<https://www.supremecourt.ohio.gov/rod/docs/pdf/10/2021/2021-Ohio-2114.pdf>

As appellant filed a timely written jury demand, the trial court erred in conducting a bench trial on the third-degree misdemeanor charge without appellant filing a written waiver of such jury trial.

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.