



Ohio Second District Court of Appeals Common Procedural Considerations

This document contains general information about the appellate procedure. It is intended to assist you with your appeal, but it is not complete. It does not cover every step or issue that could arise in the appeal process. Each case is unique, and appointed counsel is encouraged to consider what is necessary for your specific case.

- Could this case or any issues become moot?
 - Does this case involve a misdemeanor? A short term of incarceration?
Have all fines been paid?
 - Was there a stay requested in the trial court? Did I request a stay in the appellate court?
 - Should I move to expedite the appeal?
- Is the Record Complete?
 - Was the entire record requested, including transcripts of all on-the-record proceedings?
 - Does the record contain everything that it should?
 - Are parts of the trial court's record in an appellate record of a prior appeal?
 - Were any relevant proceedings done off-the-record?
 - Are the transcripts complete and accurate?
 - Side bars not transcribed? Inaudibles? Typographical errors?
 - Was a presentence investigation report (PSI) prepared and reviewed by the trial court? If so, is the PSI included in the appellate record (this does not necessarily happen automatically)?
- Issue review
 - What issues did trial counsel preserve?
 - What other issues should trial counsel have raised in the trial court?

- Was trial counsel ineffective for not raising them?
 - Do these issues rely on evidence outside the record?
 - Have I considered potential errors from throughout the entire record?
 - Were any issues waived?
- What is the standard of review for my issues?
 - Felony v. misdemeanor; R.C. 2953.08(G)(2)
 - Preserved error v. no objection
 - Harmless error v. plain error; waiver v. structural error
 - De novo v. deferential standard
- Res Judicata
 - Potential effect of prior appeal
 - Potential consequence of failure to raise an issue on appeal