



Ohio Second District Court of Appeals Checklist of Common Appellate Issues

General Issues:

- Ineffective assistance of counsel
- Due Process

Criminal Pre-Trial Motions:

- Suppression
- Fourth Amendment Issues:
 - Investigatory stops
 - Warrants – arrest and search
 - Automobile stops
 - Pat-downs/search of person
 - Search of residence
- Fifth Amendment Issues:
 - Miranda* Rights
 - Voluntariness of statement
- Sixth Amendment Issues:
 - Right to counsel
 - Self-representation
- Eyewitness Identification/ Compliance with R.C. 2933.83
- Indictment
- Continuances
- Competency of Defendant/Witnesses
- Speedy Trial: Statutory v. Constitutional
- Juvenile-specific issues:
 - Bindover
 - Waiver/Consent
 - Appointment of guardian ad litem/ conflict between parent and child

Criminal Trial:

- Voir dire & *Batson*
- Brady* Violation
- Confrontation Clause/Hearsay
- Evidence Rules 401– 404 (relevance, character)
- Authentication
- Impeachment
- Co-defendant Testimony
- Prosecutorial Misconduct
- Jury Verdict Forms
 - Jury Instructions
- Manifest Weight and Sufficiency of the Evidence

Pleas:

- Knowing, Intelligent, and Voluntary:
 - Strict Compliance Standard for Waiver of Constitutional Rights
 - Substantial Compliance Standard for Non-constitutional Rights
 - Felony v. Misdemeanor Pleas (Crim.R. 11)
 - Sex Offender Classification
 - Non-citizens
 - Offense led to revocation of post-release control violation (R.C. 2929.141)
- Plea form
- Motions to Withdraw Plea:
 - Before sentencing v. after sentencing

Sentencing:

- Standard of Review:
 - Felony v. Misdemeanor
 - R.C. 2953.08(G)(2)
- Compliance with Statutory Criteria
 - Consideration of R.C. 2929.11 & 2929.11.12
- Oral notification at sentencing regarding mandatory sentence, post-release control, court costs, appointed counsel costs, restitution, etc.

Sentencing (cont.):

- Right of Allocution
- Findings for Consecutive Sentences (R.C. 2929.14(C)(4))
- House Bill 86
- Merger
 - Allied Offenses of Similar Import
 - Specifications
- Restitution
- Ability to pay
- Assessment/waiver of court costs
- Imposition of post-release control
- Sex offender classification
- Jail time credit
- Revocation of community control
- Eligibility for Intervention in lieu of Conviction (ILC)

Termination of Parental Rights:

- Manifest weight and sufficient of evidence
- Best interest of children
- Findings under R.C. 2151.414
- Standard of review
- Motions for continuances
- Jailed parent