



October 19, 2020

In Case You Missed It:

[Ohio Supreme Court to Decide Whether State's Death Penalty Protocol is Invalid; cleveland.com, October 14, 2020](#)

[Group Reports Rise in Domestic Violence Deaths During Pandemic; Ohio Domestic Violence Network, October 6, 2020](#)

[Ohio Public Health Orders](#)

The Ohio Judicial Conference is dedicated to serving all Ohio judges. It is the primary resource to ensure the fair, unbiased, open, and effective administration of justice.

Legislative News: Two-Week Review

- [State ex rel. Fraley v. Ohio Dept. of Rehab. & Corr.](#) (Slip Opinion No. 2020-Ohio-4410), decided 9.15.20, holds that if a sentencing entry does not specify that a firearm specification is to run consecutively to another firearm specification, then ODRC is required to treat the specifications as concurrent. To conform to *Fraley*, [ODRC will soon begin the process of reviewing inmate sentences](#) and will be contacting sentencing judges in cases where a nunc pro tunc entry from the judge could clarify **whether a specification is to be served concurrently or consecutively**. ODRC is asking that judges reply quickly to any requests for a nunc pro tunc entries, **within 21 days of receipt**.
- [SB 373](#) (Sen. Hackett) **Name Changes**, introduced 10.13.20. The bill alters the procedures to change a legal name and correct legal name errors in a person's official identity documents. The bill is meant to ease compliance with the U.S. Homeland Security's Real ID Program. The Real ID Program establishes minimum security standards for license issuance; the original deadline for states to comply with Real ID was 10.2020, but the deadline has been extended due to the pandemic. A companion bill, [HB 775](#), was introduced in the House, 10.14.20.
- In [State v. Owens](#), 2020-Ohio-4616, decided 9.30.20, the Ohio Supreme Court found that **reckless homicide** is not a lesser included offense of felony murder and in [State v. Pettus](#), 2020-Ohio-4836, decided 10.13.20, the Court found that R.C. 2913.61(C)(1) allows aggregation of **multiple theft offenses** involving 1 victim into a single count, regardless of the status of the victim.
- Effective until 12.31.20, the U.S. Center for Disease Control has issued an [order](#) to temporarily **halt residential evictions** to slow the spread of COVID-19. To prevail, a tenant [must show](#) certain facts. A stipulation of dismissal, filed 10.9.20, in *KBW Investment Properties LLC v. Azar et al.* (U.S. District Court for the Southern District of Ohio), though not binding, outlines the position of the CDC: The order does not prevent a landlord from filing an eviction action in state court and expressly permits eviction for reasons other than nonpayment of rent. The order does not prohibit a landlord from attempting to demonstrate that a tenant has wrongfully claimed its protections. Even where a tenant is entitled to its protections, the order does not bar an eviction proceeding, provided that that actual eviction does not occur while the Order remains in place.
- The Ohio Supreme Court is accepting public comment on [proposed changes](#) to the **Rules of Practice and Procedure**. Changes are proposed to CivR 37; CrimR 1, 3, 7, 13; TrafR 2, 3, 13; CrimR 11, 41; CrimR 33; AppR 21 and others. Comments can be submitted to ruleamendments@sc.ohio.gov by 11.5.20.
- On 8.31.20, the Sentencing Commission's Ad Hoc Committee on a **Uniform Sentencing Entry** produced its [report with recommendations](#).
- The [6th Annual Veterans Summit](#), "Lean Forward: Answering the Call of Veterans in Crisis," is an online event on 11.19.20. The event is free (6.25 hours CLE pending). Register [online](#).

For a complete list of bills & the latest issue of **BillBoard**, please visit the [OJC website](#).



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