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Ohio Fifth District Court of Appeals Case Summaries

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Criminal	STATE VS. HARRY KROUSKOUF, III	Case No. CT2024-0142 CT2024-0143	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2018-0007	Affirmed	Res judicata Harry Krouskouf III appealed the denial of his motions to correct sentencing and for declaratory judgment, both stemming from long-standing disputes over jail-time credit and sentencing modifications. Having previously pled guilty to robbery and received an 11-year sentence, Krouskouf repeatedly challenged the trial court's amended jail-time credit calculation, arguing it unlawfully extended his sentence and impacted parole calculations. The Fifth District Court of Appeals affirmed the trial court's dismissal of both motions, finding the claims barred by res judicata and reiterating that declaratory judgment is not available in criminal postconviction proceedings.	Baldwin, P.J.	4/21/2025
Criminal	STATE VS. TERENCE ANTHONY ADAMS	Case No. 2024CA00056	Appeal from the Stark County Court of Common Pleas, Case No. 2023CR2319	Affirmed	Manifest weight & sufficiency of evidence; R.C. 29909.04(A)(2)(c); disrupting public service Adams appealed his conviction for disrupting public services following a jury trial, arguing the evidence was insufficient and the conviction was against the manifest weight of the evidence. He claimed the State failed to prove he intentionally prevented the victim from contacting emergency services by taking her phone. The appellate court found the victim's testimony—that Adams slapped her and took her phone after she threatened to involve law enforcement—supported the jury's finding. Despite inconsistencies in the victim's statements and Adams's acquittal on other charges, the court held that the evidence sufficiently established the offense. The conviction was affirmed.	Hoffman, J.	4/21/2025
Criminal	STATE VS. TIMOTHY J. NICHOLSON	Case No. CT2024-0122	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0302	Affirmed	Anders; Plea/sentence; presentence; presentence withdrawal of plea Nicholson was indicted on eight charges, including breaking and entering, theft, tampering with evidence, telecommunications fraud, and possessing criminal tools, with six counts involving forfeiture of his 1999 Dodge Dakota truck. He received a 36-month prison sentence. His counsel argued the trial court erred in accepting his guilty plea and in sentencing. However, the court found that Nicholson was thoroughly informed of his rights and the consequences of his plea, which complied with legal requirements. Nicholson knowingly accepted a joint sentencing recommendation. The trial court also properly denied his motion to withdraw the plea, finding no credible evidence of confusion or misunderstanding. Nicholson never claimed innocence or offered a defense. The appellate court agreed that there were no valid grounds for appeal.	King, J.	4/22/2025
Criminal	STATE VS. ERIC ELMER LEE HENDRIX	Case No. 2024CA00111	Appeal from the Stark County Common Pleas Court, Case No. 2024 CR 0620	Affirmed	Ohio Evidence Rule 606; Manifest weight of evidence in criminal case Hendrix was convicted of domestic violence and strangulation after assaulting his estranged wife, M.H., over two days in February 2024. M.H. reported being held by the throat and suffocated, and officers observed red marks consistent with strangulation. He was found guilty of strangulation under R.C. 2903.18(B)(3) but acquitted of a more serious charge under R.C. 2903.18(B)(2). On appeal, Hendrix challenged the verdicts as inconsistent and objected to evidentiary rulings and a police officer's testimony. The Fifth District affirmed, finding no error or manifest injustice.	Montgomery, J.	4/18/2025
Juvenile	IN THE MATTER OF: R.M.	Case No. 2024 AP 12 0037	Appeal from the Tuscarawas County Common Pleas Court, Juvenile Division, Case No. 23JN00176	Affirmed	Standard of review in permanent custody case; Sup R. 48 guidelines The father of R.M. appealed the juvenile court's decision granting permanent custody of the child to Tuscarawas County Job and Family Services. R.M., born with a rare genetic disorder requiring extensive care, was removed due to neglect, poor living conditions, and parental drug use. Despite case plan opportunities, the father declined to participate and instead advocated for placement with the maternal grandmother, who, like the mother, was found to have significant cognitive impairments. The trial court concluded that neither parent could provide a safe, stable home within a reasonable time and that permanent custody was in R.M.'s best interest. The Fifth District affirmed, finding no error in the trial court's analysis or conclusions.	Montgomery, J.	4/18/2025
Juvenile	IN THE MATTER OF: R.M.	Case No. 2024 AP 12 0038	Appeal from the Tuscarawas County Common Pleas Court, Juvenile Court Division, Case No. 23 JN 00176	Affirmed	D.O.B. 01-25-2022)(Abuse of discretion; application of Indian Child Welfare Act K.M., the mother of R.M., appealed the juvenile court's decision awarding permanent custody of her child to Tuscarawas County Job and Family Services. R.M., who has complex medical needs due to a rare genetic condition, was removed after being found in a home with drug use and unsafe conditions. Psychological evaluations revealed significant cognitive impairments in both the mother and maternal grandmother, and supervised visits showed the mother struggled to meet basic caregiving needs. Despite completing parts of her case plan, the court found she could not safely parent the child. The Fifth District affirmed, holding there was clear and convincing evidence that reunification was not possible and that permanent custody served R.M.'s best interests.	Montgomery, J.	4/18/2025

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Juvenile	IN THE MATTER OF: N.D.	Case No. 2024 CA 00094	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case No. F2021-0098	Affirmed	Permanent Custody N.D. was placed in the custody of Licking County Job and Family Services after concerns of neglect by her mother, F.D., and instability from her father, M.M., including housing, employment, and inconsistent visitation. Although a home study for M.M.'s Arizona residence was approved, the court found that both parents continued to struggle with substance abuse, mental health issues, and an inability to provide a stable environment. The agency made reasonable efforts toward reunification, but N.D. had bonded with a kinship provider and was thriving in that placement. The Court of Appeals affirmed the trial court's decision granting permanent custody to the agency, finding it in N.D.'s best interest.	Baldwin, P.J.	4/18/2025