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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
	State v. Jewell	2024CA00170	Appeal from the Stark County Court of Common Pleas, Case No. 2024 CR 0668	Affirmed	Manifest weight; witness coaching; prosecutor misconduct The appellate court overruled all three of Jewell's assignments of error. His claim that the conviction was against the manifest weight of the evidence lacked legal support and was contradicted by trial testimony. The court found no merit to his allegation of witness coaching, as there was no evidence of improper influence during testimony. Claims of prosecutorial misconduct during closing arguments were also rejected, as the court found any potentially improper comments were corrected by curative jury instructions. The trial court's judgment was affirmed in full.	Montgomery, J.	7/31/2025
	In re W.R.	2024CA00208	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2023JC00499	Affirmed	Permanent custody - Error to find child in temporary custody of agency for 12 or more months of 22 month period - Lookback to filing of first motion for permanent custody - Finding child cannot or should not be placed with parent not in error - Best interest finding not in error The Child, born with significant medical conditions including achondroplasia and bronchopulmonary dysplasia, had congenital issues worsened by physical abuse. The foster parents provided a nurturing, developmentally appropriate environment and sought to adopt the Child. The GAL consistently recommended granting permanent custody to SCJFS. Although the trial court erred in finding the Child had been in temporary custody for 12 or more months of a consecutive 22-month period, the court also found the Child could not or should not be placed with the biological parents within a reasonable time, a finding supported by substantial evidence. Mother remained aligned with Father despite his child endangering conviction and failed to cooperate with medical recommendations, relying instead on social media advice. She did not actively support the Child's therapeutic needs and failed to demonstrate meaningful change, even after parenting programs. The record showed no bond between Mother and Child, a lack of understanding of the Child's medical needs, and concerning behaviors. Despite the procedural error, the appellate court affirmed the trial court's decision, concluding that awarding permanent custody to SCJFS was in the Child's best interest.	Hoffman, P.J.	8/1/2025
	State v. Sheppard	2025 CA 0001	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR1747	Affirmed	Sufficiency; manifest weight; ineffective assistance of counsel Sheppard was indicted on one count of violating a protection order and three counts of menacing by stalking, stemming from his repeated, unwanted contact with T.R. despite a civil protection order (CPO). Between April and August 2024, Sheppard sent T.R. 17 letters—some signed by him and others by "God"—in which he referenced seeing her soon and acknowledged the existence of the CPO. T.R. also testified that Sheppard once appeared at her home. At trial, Sheppard admitted to intentionally sending the letters, knowing the CPO barred contact, and testified that he referred to himself as "God" to bypass the order. He also admitted that T.R. did not want a relationship with him and that he disregarded the consequences of his actions. The jury convicted Sheppard, and he was sentenced to 36 months for the protection order violation and 12 months for one count of stalking, to run concurrently. On appeal, Sheppard argued the state failed to prove he acted recklessly or caused mental distress. However, the court found the evidence, including Sheppard's own admissions, sufficient to support the convictions and held that the jury did not lose its way. Additionally, the court rejected Sheppard's claim of ineffective assistance of counsel, concluding he suffered no prejudice from counsel's failure to renew a motion for acquittal.	Popham, J.	8/4/2025
	Primal Life Holdings, L.L.C. v. Society Brands, Inc.	2024 CA 00178	Appeal from the Stark County Court of Common Pleas, Case No. 2024 CV 00977	Reversed and Remanded	Granting of Civ.R. 12(B)(6) motion in error The trial court granted a motion to dismiss, finding that the parties' relationship was governed by valid, unambiguous contracts and that the appellants could prove no set of facts warranting recovery. The court relied on three contracts (Exhibits A-C) but did not specifically reference other documents (Exhibits D-N) submitted under seal by appellees. Appellants had not attached the agreements to their original or amended complaints due to confidentiality concerns. Although the appellees argued the court could consider additional exhibits based on references in the complaint, the appellate court found it unclear whether the trial court relied on those disputed documents, especially since the appellants objected to them and the court did not address the objection. Reviewing the amended complaint's 176 paragraphs and assuming all allegations as true, the appellate court held that the appellants' claims were sufficiently pled to survive a Civ.R. 12(B)(6) motion to dismiss. The court concluded that it could not definitively say the appellants could prove no set of facts warranting relief and noted that the better approach would have been to either strike the contested exhibits or treat the motion as one for summary judgment.	King, J.	8/4/2025
	State v. Adkins	CT2024-0145	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0523	Affirmed	Anders - Guilty Plea - Sentencing Adkins appealed his conviction and 36-month prison sentence from the Muskingum County Court of Common Pleas after pleading guilty to breaking and entering, theft, and receiving stolen property related to the theft of state-owned gas equipment from the Tri-Valley Wildlife Area. Although the parties jointly recommended community control, the trial court imposed consecutive 12-month sentences for each offense. Adkins's appellate counsel filed an Anders brief, stating the appeal was frivolous but raising a possible issue regarding whether the court properly advised Adkins of consecutive sentencing. Upon review, the appellate court found the trial court complied with Criminal Rule 11, and while it failed to advise of potential consecutive sentences, this did not render the plea invalid under Ohio law. The sentence was within statutory guidelines, and the trial court properly considered the necessary sentencing factors, including Adkins's extensive criminal history and conduct while on bond. The appellate court found no meritorious issues for appeal, granted counsel's motion to withdraw, and affirmed the conviction and sentence.	Hoffman, J.	8/4/2025

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	State v. Lee	25-CAA-01-0002	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 03 0207	Affirmed	Manifest weight; Sufficiency Lee appealed his conviction for unauthorized use of a motor vehicle after failing to return a rental truck he had agreed to return within 24 hours but kept for over a month. Despite being told by the rental dealer that the truck had to be returned for another reservation and receiving multiple attempts at contact, Lee failed to return the vehicle, prompting the dealer to report it stolen. When eventually stopped by police, Lee claimed surprise and later asserted at trial that he believed he was still authorized to use the truck because Budget continued charging his credit card. The jury acquitted him of grand theft but convicted him of unauthorized use. On appeal, Lee argued the conviction was unsupported by the evidence and that the jury wrongly rejected his affirmative defense. However, the appellate court found sufficient evidence that Lee knowingly used the vehicle beyond the authorized period and after consent had been revoked. The court affirmed the conviction, holding that Budget's billing practices did not imply ongoing consent for Lee to retain the truck.	King, J.	8/4/2025
	State v. Lloyd	CT2025-0012	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0615	Affirmed	Sentencing Lloyd appealed his conviction and sentence from the Muskingum County Court of Common Pleas following his guilty pleas to three amended charges involving drug trafficking and unlawful possession of a dangerous ordnance. His convictions stemmed from an August 2024 traffic stop in which police found a modified fully automatic weapon and over 1,800 fentanyl-laced pills misbranded as Percocet. A search of Lloyd's phone revealed his involvement in planning the drug acquisition and distribution. The trial court sentenced him to a mandatory aggregate term of 20 to 25.5 years in prison. Lloyd challenged the sentence as excessive and contrary to Ohio's sentencing statutes, arguing the trial court failed to properly weigh mitigating factors. The appellate court upheld the sentence, finding it within the statutory range and supported by the trial court's consideration of the serious nature of the offense, the lethal drugs involved, the modified weapon, and Lloyd's conduct while incarcerated. The court concluded the sentence was not clearly and convincingly contrary to law and overruled Lloyd's assignment of error.	Popham, J.	8/5/2025
	State v. Manson	2024 CA 00205	Appeal from the Canton Municipal Court , Case No. 2024 CRB 1598	Affirmed	Ineffective-assistance claim targeting trial counsel's failure to challenge two jurors is rejected where record fails to show that the jurors were actually prejudiced against the defendant Manson was convicted in Canton Municipal Court for failing to fix building code violations and appealed, claiming his attorney was ineffective for not removing two allegedly biased jurors. The appellate court found no evidence that jurors 2 or 5 were actually biased, as their comments during jury selection were general and did not show hostility or fixed opinions about Manson. Both jurors stated they could be fair and impartial and agreed to hold the state to its burden of proof. The court emphasized that jury selection decisions are often strategic and require proof of actual bias to support an ineffective assistance claim. Since Manson did not meet that burden, his conviction was affirmed.	Gormley, J.	7/31/2025