



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



Ohio Fifth District Court of Appeals Case Summaries

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Humphrey v. Humphrey	25CA003	Appeal from the Holmes County Court of Common Pleas, Domestic Relations Division, Case No. 22DR081	Affirmed	Allocation of parental rights; Contempt The appellate court affirmed the trial court's decision designating Husband as the residential parent and legal custodian of the parties' minor child, B.H., and finding Wife in contempt. The record showed a turbulent relationship involving Wife's past self-harm behaviors, inconsistent testimony, and admitted false statements to law enforcement, as well as her repeated interference with Husband's parenting time. Although Wife had been B.H.'s primary caregiver, the trial court found Husband to be a stable, involved parent more likely to honor court-ordered parenting time. The appellate court held that the trial court's credibility determinations and best-interest analysis were supported by competent, credible evidence. It likewise upheld the contempt finding based on Wife's willful denial of visitation and agreed that Wife invited any alleged error in the child-support calculation by objecting to the submission of additional income evidence. Accordingly, the trial court's judgment was affirmed in full.	Baldwin	12/1/2025
Bentz v. Park Natl. Corp.	2025 CA 00052	Appeal from the Licking County Court of Common Pleas, Case No. 24 CV 1059	Dismissed	Appeal dismissed for lack of a final appealable order The Bentzes and their business, Pizzaburg Mount Gilead, LLC, appealed after the trial court granted summary judgment to Park National Corporation and The Park National Bank on claims stemming from a \$10,000 charge made after Jason Bentz damaged a rental vehicle rented with the business debit card. The bank concluded the charge was authorized under the rental agreement and reinstated it, prompting the appellants to sue for violation of the Electronic Funds Transfer Act (EFTA) and breach of contract. The trial court held the EFTA claim was time-barred, found the Act inapplicable to the business account, and granted summary judgment—but its entry addressed only the EFTA claim and did not resolve the breach-of-contract claim or include Civ.R. 54(B)'s "no just reason for delay" language. Because the trial court failed to dispose of all claims and did not certify the judgment as final, the appellate court determined the order was not a final appealable order and dismissed the appeal for lack of jurisdiction.	Baldwin	12/1/2025
State v. Fernandez	2025 CA 00009	Appeal from the Court of Common Pleas of Stark County , Case No. 2024 CR 1319	Affirmed	The prosecution presented sufficient evidence at trial to support the defendant's convictions on two aggravated-burglary charges, and those convictions were not against the manifest weight of the evidence. Each assignment of error in an appellate brief should be separately argued and supported, and earlier arguments should not be "incorporated by reference" into later arguments. Defendant Jeovany Fernandez challenged the sufficiency and manifest weight of the evidence supporting his convictions for two counts of aggravated burglary and two counts of domestic violence arising from incidents on May 12 and May 26, 2024. The victim, O.L., testified that she awoke on May 12 with injuries, missing property, and signs of disturbance in her apartment, later discovering her phone—with a video Fernandez recorded near her door—left in her mailbox and receiving apologies from him by call and text. Medical records confirmed she sustained a head injury and other trauma. O.L. further testified that on May 26, Fernandez again entered her apartment without permission, jumped out from behind her bedroom door, threatened to hit her, and fled when neighbors called 911. The appellate court held that ample circumstantial and direct evidence supported each element of aggravated burglary for both incidents, and that the trial judge, as factfinder, reasonably credited O.L.'s testimony despite minor inconsistencies. Concluding that the convictions were supported by sufficient evidence and not against the manifest weight of the evidence, the court affirmed the judgment.	Gormley	12/1/2025
State v. Smith	CT2025-0035	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0654	Affirmed	Anders Appointed appellate counsel for Mateo Smith filed an Anders brief and requested to withdraw after determining there were no non-frivolous issues for appeal, and Smith was notified of his right to file a pro se brief but did not do so. Smith had pleaded guilty to two second-degree felonies for pandering obscenity involving minors and received concurrent indefinite sentences of four to six years, which were within the statutory range. After independently reviewing the record, the appellate court found that the trial court fully complied with Crim.R. 11 during the plea hearing, properly considered the required sentencing factors, and imposed lawful sentences. Concluding that no arguable merit existed in the proposed assignment of error, the court granted counsel's motion to withdraw and affirmed the judgment of the Muskingum County Court of Common Pleas.	Montgomery	12/1/2025
State v. Maynard	2025 CA 00024	Appeal from the Court of Common Pleas of Licking County , Case No. 2024 CR 00699	Affirmed	The State presented sufficient evidence at trial to support the defendant's convictions on charges of obstructing official business and operating a vehicle under the influence of alcohol, and, as a result of that decision, the State's cross-appeal challenging some pretrial rulings by the trial judge is moot. Appellant Dana Maynard challenged the sufficiency of the evidence supporting his convictions for OVI and obstructing official business after a bench trial, but the appellate court affirmed. The evidence showed that Maynard had been driving before his vehicle ran out of gas, appeared intoxicated when his brother and a state trooper encountered him, and exhibited signs of impairment, with no indication that anyone else had operated the vehicle. The court also found sufficient evidence that Maynard obstructed official business by resisting the execution of a search warrant for a blood draw, physically struggling with officers and medical staff and thereby delaying their duties. Because the convictions were supported by competent, credible evidence, the State had already achieved its desired outcome on appeal, rendering its cross-appeal—challenging the severance of OVI counts and exclusion of blood-test results—moot. The judgment of the trial court was therefore affirmed.	Gormley	12/1/2025

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
State v. Standiford	2025 CA 00007	Appeal from the Fairfield County Municipal Court, Case No. 24 TRC 4977	Affirmed	Motion to suppress; Reasonable suspicion; Traffic stop; R.C. 4511.22 Defendant-Appellant Roger A. Standiford appealed the Fairfield County Municipal Court’s decision overruling his motion to suppress evidence obtained after a traffic stop. On July 21, 2024, Officer Marla Morehouse observed Standiford driving slowly and stopping multiple times at a flashing yellow light, including a ten-second stop before the stop bar and another five-second stop at the stop bar, before proceeding. Morehouse followed Standiford, noting additional erratic behavior, including braking for no apparent reason and failing to stop at the next flashing yellow. Based on these observations, Morehouse initiated a traffic stop, discovered Standiford was intoxicated, and he was subsequently charged with OVI and slow-speed violations. On appeal, Standiford argued that his brief delays did not provide reasonable suspicion for the stop. The appellate court, applying the totality-of-circumstances standard and giving deference to the officer’s experience, concluded that the cumulative facts—slow driving, repeated stops, and erratic behavior—gave Morehouse reasonable and articulable suspicion to justify the stop. The court affirmed the trial court’s denial of the motion to suppress.	Montgomery	12/1/2025
State v. Hayes	CT2025-0057	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0189	Affirmed and Remanded	Consecutive Sentences Defendant-Appellant Austin Hayes appealed the consecutive prison terms imposed after he pled guilty to two counts of Gross Sexual Imposition and eight counts of Violating a Protection Order in two consolidated Muskingum County cases. The trial court sentenced him to 36 months on the GSI case and 48 months on the protection-order case, ordered the terms to run consecutively for a total of 84 months, and imposed Tier II registration duties. On appeal, the court found that the trial judge properly considered the purposes and principles of sentencing under R.C. 2929.11 and 2929.12, that Hayes’s extensive history—including prior domestic-violence threats, protection-order violations, and other offenses—supported the findings that consecutive terms were necessary, and that the record clearly and convincingly supported the R.C. 2929.14(C)(4) consecutive-sentence findings made at the hearing. However, because the written judgment entry failed to include those findings as required, the appellate court affirmed the sentence but remanded solely for the trial court to issue a nunc pro tunc entry incorporating the consecutive-sentence findings.	Popham	12/2/2025
State v. Hawks	25 CAA 03 0023	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 10 0573	Affirmed	Telecommunications Harassment - Motion to Continue - Insufficient Evidence Hawks appeals his conviction and eleven-month sentence for telecommunications harassment following a bench trial in the Delaware County Common Pleas Court. Hawks and the victim, his ex-wife, were required to communicate only through the Our Family Wizard app about their children, but immediately after a January 2024 conviction and no-contact order limiting communications to child-related matters, he began sending her repeated personal, accusatory, and unwelcome messages. His messages continued through September 2024, leading to a felony indictment based on his prior conviction. The trial court denied his request for a continuance, noting his preparation issues stemmed from his own community-service obligations and offering counsel recesses to prepare. On appeal, Hawks argued the denial of a continuance deprived him of effective assistance of counsel and that the evidence was insufficient to show he intended to harass. The appellate court rejected both arguments, finding no abuse of discretion and sufficient circumstantial evidence of intent based on the volume, content, and timing of the messages. and therefore affirmed the conviction.	Hoffman	12/3/2025
State v. Vicario	25-CAA-030021	Appeal from the Delaware County Court of Common Pleas, Case No. 24-CRI-040244	Affirmed	Exclusion of testimony/confrontation/impeach own witness/sufficiency/weight The trial court sentenced Vicario to mandatory, consecutive prison terms totaling an indefinite sentence of 25 to 31.5 years for two counts of rape and one count of tampering with evidence, and classified him as a Tier III sex offender. On appeal, he raised multiple evidentiary and procedural challenges, arguing the court improperly excluded evidence of the victim’s internet search history, wrongly admitted testimony from a social worker without an expert report, improperly limited his expert’s testimony regarding false-allegation statistics, erroneously admitted portions of the victim’s forensic interview, and improperly allowed the State to impeach its own witness. The appellate court rejected each claim, finding the victim’s internet searches irrelevant, the social worker’s testimony permissible lay opinion, and the exclusion of statistical evidence non-prejudicial; it also held that the victim’s statements were admissible because she testified at trial, and that impeachment was proper under Evid.R. 607(A). The court further found sufficient evidence of force and sexual conduct—supported by the victim’s testimony, forensic evidence, and Vicario’s authority in the household—and concluded the convictions were not against the manifest weight of the evidence, affirming the judgment.	Popham	12/3/2025
State v. Gohring	CT2025-0048	Appeal from the Court of Common Pleas Muskingum County , Case No. CR2024-0805	Affirmed	Anders; Guilty plea; Sentence Defendant-Appellant Johnny Gohring appealed his April 3, 2025 conviction and sentence for second-degree felony drug possession, but his appointed counsel filed an Anders brief stating the appeal presented no non-frivolous issues. After confirming that Gohring was properly advised of his rights, entered his plea knowingly and voluntarily, and was sentenced within the statutory range following the trial court’s consideration of the required sentencing factors, the appellate court found no error in the plea or sentence. Because the record showed full compliance with Crim.R. 11, lawful imposition of an indefinite prison term of five to seven and one-half years, and no indication of impermissible considerations, the court agreed that no meritorious grounds for appeal existed, granted counsel’s motion to withdraw, and affirmed the trial court’s judgment.	King	12/5/2025

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
State v. Lockhart	2025 CAA 07 0061	Appeal from the Delaware County Court of Common Pleas, Case No. 06 CRI 01 0011	Affirmed	Motion to compel service John Lockhart Jr. appealed the trial court’s refusal to order the clerk to send all filings to him through the Ohio Department of Rehabilitation and Correction’s “legal mail” process, but the appellate court affirmed, finding no abuse of discretion. Although Lockhart claimed he was not receiving documents, he did not assert that the clerk failed to serve them in accordance with the law, and the trial court correctly noted that the ODRC’s legal-mail policy is discretionary and applies only to confidential materials—none of which were involved here. Because Lockhart identified no confidential documents requiring special handling and showed no unreasonable, arbitrary, or unconscionable action by the trial court, his sole assignment of error was overruled and the judgment was affirmed.	Baldwin	12/5/2025