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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
State v. Willey	25CA000009	Appeal from Guernsey County's Cambridge Municipal Court, Case No. TRC2402586	Reversed and Remanded	Suppression - Reasonable Articulable Suspicion of Criminal Activity to Justify Field Sobriety Tests Defendant-appellant appeals her conviction and thirty-day jail sentence for operating a vehicle while intoxicated after pleading no contest in Cambridge Municipal Court. The charge arose when a state trooper found her stopped on the shoulder of I-70 late at night and observed that she appeared briefly dazed and had white powder on her face and shirt, which she said was from powdered donuts. Although the trooper noted no signs of impairment during their interaction—no slurred speech, glassy eyes, odor of alcohol, or erratic behavior—he conducted field sobriety tests and charged her with OVI. The trial court denied her motion to suppress, finding the initial encounter was a community-caretaking interaction and that reasonable suspicion existed for sobriety testing. On appeal, the reviewing court held the trooper's suspicions amounted only to a hunch, as his initial concerns dissipated once he spoke with her and the powder was never investigated. Concluding the officer lacked reasonable, articulable suspicion to expand the encounter into an OVI investigation, the appellate court sustained both assignments of error, reversed the judgment, and remanded for further proceedings.	Hoffman	12/10/2025
State v. Gibson	25-CA-00018	Appeal from the Licking County Court of Common Pleas, Case No. 24 CR 00131	Affirmed	Search Warrant/Affidavit/Frank Hearing Ronald M. Gibson appealed the Licking County Court of Common Pleas' denial of his motions to suppress evidence obtained during the execution of a February 21, 2024 search warrant at an apartment linked to drug activity, where officers recovered large quantities of methamphetamine, cocaine, marijuana, drug-processing equipment, cash, firearms, and other trafficking tools, as well as Gibson's admission that he was selling drugs. After his indictment on multiple felony drug-trafficking, drug-possession, and weapons-under-disability charges, Gibson filed two suppression motions: the first challenging the sufficiency of the search-warrant affidavit and requesting a Franks hearing, and the second—filed nearly a year after arraignment—asserting inconsistent investigative accounts, Miranda violations, and coercive interrogation. The trial court denied the first motion, finding the affidavit established probable cause and that no Franks hearing was warranted, and denied the second motion as untimely and substantively repetitive. Gibson ultimately entered no-contest pleas to several counts, and on appeal the court affirmed, holding that probable cause supported the warrant, the Leon good-faith exception applied, no substantial showing justified a Franks hearing, and the trial court acted within its discretion in rejecting the untimely second motion.	Popham	12/10/2025
State v. Roper	25-COA-016	Appeal from the Ashland County Court of Common Pleas, Case No. 24-CRI-244	Affirmed	Right to Respond to Victim Impact Statement - R.C. 2930.14(B) Defendant-appellant Joshua Roper appealed his convictions and aggregate ninety-six-month prison sentence imposed by the Ashland County Common Pleas Court following his guilty pleas to having weapons under disability and sexual battery, entered as part of a plea agreement in which a rape charge was dismissed. The charges stemmed from his July 12, 2024 sexual activity with a seventeen-year-old victim while he was on probation. At sentencing, after the victim spoke and the prosecutor belatedly provided a victim impact statement, the court paused to review it and offered defense counsel an opportunity to respond; counsel declined, and Roper likewise declined to speak. On appeal, Roper argued the trial court violated R.C. 2930.14 by failing to personally allow him to respond to the victim impact statement. The appellate court rejected this claim, concluding the trial court did not rely on any new material facts in the statement and therefore had no statutory duty to solicit a personal response, and further noting that both Roper and his counsel had multiple opportunities to address the statement before the sentence was final. The judgment was affirmed.	Hoffman	12/10/2025
State v. Conrad	2024 CA 0099	Appeal from the Richland County Court of Common Pleas, Case No. 2024 CR 0103	Affirmed	Murder; Manifest weight of the evidence; Restitution; Admission of photographs in opening statements; Prosecutorial misconduct; Failure to object; Hearsay exception; Excited utterance; Evid.R. 803(2) Defendant-Appellant Jeremiah Conrad appealed his convictions for murder and related charges in the Richland County Court of Common Pleas, but the appellate court affirmed the verdict. The victim, Deanna Hoam, was found dead in her apartment bathtub on January 9, 2022, after being last seen alive on January 5. Evidence at trial included eyewitness testimony, video footage showing Conrad using Deanna's car and credit card after her death, DNA linking him to her injuries, and multiple items of her property found in his possession. Conrad challenged the verdict as being against the manifest weight of the evidence, alleged prosecutorial misconduct regarding opening statements, contested the restitution order, and sought to admit hearsay statements from the victim. The court found ample circumstantial and direct evidence supporting Conrad's guilt, determined that the contested opening statements did not prejudice the trial, found the restitution order proper, and concluded the victim's statements were inadmissible hearsay. Accordingly, all of Conrad's assignments of error were overruled, and his convictions and sentences were affirmed.	Montgomery	12/10/2025

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Holtz v. Gray	25CA00006	Appeal from the Perry County Municipal Court, Case No. CVG2500136	Affirmed	Forcible Entry & Detainer Appellant Daniel Gray appeals the Perry County Municipal Court’s judgment granting a writ of restitution in favor of Appellee Martha Holtz, challenging the court’s handling of eviction procedures, alleged breaches of contract, and accommodation for disabilities. The record shows that Holtz properly served a three-day notice to vacate the premises and filed a forcible entry and detainer complaint after Gray failed to pay rent and electric charges. The magistrate and trial court conducted hearings, ultimately ordering Gray’s eviction. Gray failed to provide transcripts of these hearings, which are necessary to review his claims regarding statutory violations, contract disputes, and due process rights. Without a complete record, the appellate court presumes the regularity of the proceedings. Additionally, Gray’s claim of a “stale” eviction notice is unfounded, as the writ of restitution properly reflected the trial court’s order. Accordingly, all of Gray’s assignments of error are overruled, and the judgment of the Perry County Municipal Court is affirmed.	Popham	12/10/2025
Wattley v. Rinaldi	2025CA00034	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CV 00931	Affirmed	Defamation, False Light In Wattley v. Rinaldi, the Fifth Appellate District of Stark County, Ohio, addressed a lawsuit filed by former Canton McKinley High School football coaches against the school board president and superintendent, stemming from a May 2021 incident in which a student was allegedly forced to eat pizza against his religious beliefs. The plaintiffs alleged defamation, false light invasion of privacy, civil conspiracy, and spoliation of evidence, claiming statements by the defendants harmed their reputations. The trial court dismissed the claims, citing the one-year statute of limitations, political subdivision immunity under Ohio law, and the plaintiffs’ failure to meet the legal standards for defamation. The plaintiffs’ attempt to amend the complaint was denied due to undue delay and potential prejudice. On appeal, the court upheld the trial court’s dismissal, agreeing on all grounds and finding no abuse of discretion in denying the amended complaint. Consequently, the appellate court affirmed the judgment, rejecting the plaintiffs’ claims and holding the defendants not liable.	Popham	12/11/2025
State v. Wells	25 CAA 05 0038	Appeal from the Delaware County Court of Common Pleas, Case No. 2024 CR I 09 0539	Affirmed	Consecutive sentences In State v. Wells, the Fifth Appellate District of Ohio affirmed the Delaware County Court of Common Pleas’ May 5, 2025 sentence of Cash Wells, who pled guilty to third-degree felony strangulation and abduction charges arising from a violent incident involving his wife. Wells argued that the trial court erred by imposing consecutive 36-month sentences, totaling 72 months, claiming they were unsupported by the record. The appellate court held that the trial court properly considered the statutory purposes and factors under R.C. 2929.11 and 2929.12, made the required findings for consecutive sentences under R.C. 2929.14(C)(4), and imposed sentences within the statutory range. The record reflected the severity of Wells’s conduct, including assaulting and terrorizing his wife in front of three children and engaging in ongoing abusive actions, and the court’s focus on public protection and punishment was lawful. Accordingly, the appellate court found the sentence, including consecutive service, was not clearly and convincingly contrary to law and affirmed the trial court’s judgment.	King	12/11/2025
State v. Jones	CT2025-0069	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2022-0201	Affirmed	Defendant’s tardy post-conviction petition was properly denied where he offered no explanation for his failure to meet the deadline set by R.C. 2953.21(A)(2), and a trial court need not issue findings of fact or conclusions of law when it dismisses an untimely petition. In Jones v. State, the Court of Appeals of Ohio affirmed the Muskingum County Court of Common Pleas’ denial of James A. R. Jones’s post-conviction petition, which he filed in April 2025, nearly three years after his May 2022 felony convictions. The court held the petition was untimely under R.C. 2953.21(A)(2), as it was filed well beyond the 365-day deadline following the expiration of his direct appeal period, and Jones failed to show he was “unavoidably prevented” from discovering the facts supporting his claims. His affidavit did not explain why he delayed seeking records or filing the petition, and his incarceration or alleged trial counsel failures did not excuse the delay. Because he did not meet the statutory exception, the trial court acted within its discretion in dismissing the petition without a hearing, and the appellate court affirmed the judgment.	Gormley	12/11/2025
State v. Mosser	2025 CA 00028	Appeal from the Licking County Municipal Court, Case No. 2025 CRB 00156	Affirmed	The trial court properly accepted the defendant’s guilty pleas to three misdemeanor charges and properly imposed a sentence in the case. In State v. Mosser, the Licking County Court of Appeals affirmed the convictions and sentence of Destiny Mosser, who pled guilty to two first-degree misdemeanors—violating a protection order and aggravated menacing—and a third-degree misdemeanor of unlawful restraint following a February 2025 incident in which she threatened M.W. with a machete. The trial court properly conducted the plea hearing, ensuring Mosser knowingly and voluntarily waived her rights, and imposed a community-control sentence including additional jail time, one year of supervision, completion of an inpatient-treatment program, and compliance with protection orders. On appeal, Mosser’s counsel filed an Anders brief indicating no meritorious issues, and the court independently reviewed the record, finding the guilty pleas and sentence lawful, within statutory limits, and appropriate under Ohio misdemeanor sentencing standards. Accordingly, the court found the appeal frivolous, granted counsel permission to withdraw, and affirmed the trial court’s judgment.	Gormley	12/11/2025

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