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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. RYAN J. MCKENZIE	Case No. 2024 CA 00041	Appeal from the Licking County Municipal Court, Case No. 2023 CRB 001341	Affirmed	Manifest weight and sufficiency of evidence The appellant appeals his conviction following a bench trial on charges of failure to disclose personal information and obstructing official business. The trial court found the appellant guilty of failure to disclose personal information in violation of R.C. 2921.29(A)(1), and obstruction official business in violation of R.C. 2921.31(A), and found further that the charges did not merge. The trial court sentenced the appellant on the obstruction charge to five days in jail with credit for one day served, a two-hundred dollar fine and costs, with the fine suspended; and, sentenced him on the failure to disclose charge to a one-hundred and fifty dollar fine, which was also suspended. The aggregate sentence was, therefore, four days in jail and costs. The appellant argues that his convictions were against the manifest weight of the evidence, and were not supported by sufficient evidence. The totality of circumstances presented during the bench trial in this case established that he Chief was able to point to specific facts, coupled with reasonable inferences, that warranted his actions. At 1:30 a.m., the appellant was seen walking behind closed businesses in Utica while carrying a shovel, an unusual occurrence in the town. When questioned by the Chief, the appellant became agitated, refused to provide his name, and invoked his Second Amendment rights before walking away. Given the suspicious circumstances, Chief reasonably believed a crime may have been committed or was about to occur. The appellant's convictions on the charges of failure to disclose personal information and obstructing official business were supported by sufficient evidence, and were not against the manifest weight of the evidence.	Baldwin, J.	1/21/2025
Criminal	STATE VS. TRAMEL ANTWAN SHEPPARD	Case No. 2024 CA 00017	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CR 0505	Affirmed	Sufficient evidence; manifest weight Tramel Antwan Sheppard appealed his conviction for menacing by stalking and criminal trespass. He argued that the State lacked sufficient evidence to support the charges. The State presented evidence that Sheppard persistently harassed the victim, T.R., at both her workplace and church, despite her repeated refusals of his advances. At work, he followed her, waited for her during breaks, ignored directives from supervisors, and engaged in inappropriate physical contact. At church, he disrupted services, made unwanted advances, and ignored orders to stay away, leading T.R. to stop attending for fear of his actions. Sheppard claimed he had permission to be on church property, but evidence showed he was explicitly told to leave. The jury found sufficient evidence of a pattern of behavior causing T.R. mental distress. The court upheld the conviction, ruling that the jury's decision was supported by the evidence and not a miscarriage of justice.	Delaney, P.J.	1/21/2025
Criminal	STATE VS. BRANDON GOINS	Case No. CT2024-0083	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0060	Affirmed	Felony sentencing The appellant pled guilty to one felony count of having weapons while under disability and two misdemeanor counts of aggravated menacing. The trial court sentenced him to the maximum 36-month term for the felony, to run concurrently with two 180-day terms for the misdemeanors. The appellant argued that the court failed to properly consider sentencing factors under R.C. 2929.11 and R.C. 2929.12. The court emphasized his three prior convictions for the same offense, repeated probation violations, and admitted drug problem. Given his history, the court determined the maximum sentence was appropriate and within its discretion.	Delaney, P.J.	1/17/2025
Criminal	STATE VS. JOHN EDMONSON	Case No. 24 CAC 06 0034	Appeal from the Delaware Municipal Court, Case No. 24TRC00001	Affirmed	Anders Edmonson appeals his conviction for operating a motor vehicle while intoxicated. He pled no contest and was sentenced to one year of community control and three days in jail, with jail time suspended if he completed a Driver Intervention Program. The court found that the deputy's encounter with Edmonson was consensual, as the deputy did not stop or block Edmonson's vehicle, use lights, or display force. The trial court's denial of Edmonson's motion to suppress was upheld. After reviewing the case, the court agreed with counsel that there were no meritorious grounds for appeal, deemed the appeal frivolous under Anders, allowed counsel to withdraw, and affirmed the conviction.	Hoffman, J.	1/23/2025
Criminal	STATE VS. TAVIST D. CHESTER	Case No. 2024CA00021	Appeal from the Stark County Court of Common Pleas, Case No. 2019CR0977B	Affirmed	Motion for leave to file delayed motion for new trial Chester appeals the denial of his Motion for Leave to File a Delayed Motion for a New Trial. He was indicted in 2019 on charges including aggravated murder, murder, and felonious assault, with firearm specifications. A jury acquitted him of aggravated murder but convicted him of murder and felonious assault, leading to a prison sentence of 23 to 24 years to life. Chester argued the trial court abused its discretion and violated due process by denying his motion without a hearing. The court found he was aware of the evidence and failed to prove he was unavoidably prevented from discovering it. Since Chester did not meet the legal standard for a new trial, the trial court was not required to hold a hearing and did not err in denying his motion.	Hoffman, P.J.	1/22/2025

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Criminal	STATE VS. ANTHONY ROBERSON	Case No. 2024CA00151	Appeal from the Stark County Court of Common Pleas, Case No. 2021CR0765	Affirmed	Failure to notify defendant of right to appeal Roberson appeals the decision denying his motion for resentencing. On November 3, 2021, he pleaded guilty to trafficking and possession of cocaine. The court merged the convictions and sentenced him to 4-6 years for trafficking. Roberson did not appeal the denial of his first resentencing motion or the rejection of his delayed appeal to the Ohio Supreme Court. As a result, his claim is barred by res judicata.	Hoffman, J.	1/22/2025
Criminal	STATE VS. SHEILA M. LAMBERT, et al.	Case No. 24 CA 08	Criminal Appeal from the Mount Vernon Municipal Court, Knox County, Case No. 22TRC01221	Reversed	Surety bond forfeiture Evans appealed a trial court's decision to forfeit a bond posted for Sheila M. Lambert, who was convicted of operating a motor vehicle under the influence. Evans argued that the forfeiture was improper because Lambert had been arrested before the show cause hearing. Evans did not attend the hearing or provide an explanation for its absence, despite receiving proper notice. The trial court denied Evans' motion to vacate the forfeiture. On appeal, the court reversed the trial court's decision and remanded the case for further proceedings to determine the state's costs in arresting Lambert and whether Evans was entitled to any remission of the forfeited bond.	Wise, J.	1/24/2025
Criminal	STATE VS. JOHN D. ALLEN	Case No. CT2024-0092	Criminal Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0163	Affirmed	Withdrawal of no contest plea prior to sentencing Allen appeals his conviction and 12-month sentence for theft, telecommunications fraud, and unauthorized practice of law, arguing that the trial court erred in denying his motion to withdraw his no-contest plea before sentencing. The court considered his criminal history and found no evidence supporting his claim that he was promised probation. Allen received a full Crim.R. 11 hearing, signed the plea form acknowledging the penalties, and was represented by competent counsel. The court determined his plea was made knowingly, voluntarily, and intelligently, and thus, the trial court did not abuse its discretion in denying his motion.	Wise, J.	1/23/2025
Criminal	STATE VS. AVONTE M.T. SANFORD	Case No. 2024 CA 00005	Appeal from the Fairfield County Court of Common Pleas, Case No. 2022 CR 163	Affirmed	Anders Sanford appeals his conviction and 25 to 30 ½-year sentence for involuntary manslaughter, aggravated robbery, and weapons violations, all with firearm specifications. His counsel complied with Anders, and neither Sanford nor the State filed additional briefs. The plea agreement was fully explained to Sanford, jointly recommended by both parties, and legally authorized. The court found the sentence clear regarding the 25-year minimum before early release eligibility. Determining the appeal to be frivolous, the court granted counsel's request to withdraw and affirmed the judgment.	Hoffman, J.	1/24/2025
Civil	YORKLAND, LTD, VS. TIM KILDOW, ET AL.	Case No. 24 CAE 04 0028	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CV H 03 0297	Affirmed	Statute of frauds; plain error Tim Kildow and Warehouse Italian Dinners, LLC appealed the April 29, 2024, judgment granting possession of the property to the appellee in a forcible entry and detainer action. The appellants argued that the trial court erred in determining their agreement was an oral lease rather than a land-installment contract for purchase. Because Ohio's statute of frauds requires such agreements to be in writing and neither the part performance doctrine nor promissory estoppel applied, the court rejected this claim. The appellants also contended that the trial court erred by trying the forcible entry and detainer action separately from their counterclaims. Since they failed to raise this objection during trial, they forfeited the argument on appeal, and the court found no exceptional circumstances warranting plain error review. The appellants challenged the trial court's finding that their oral lease was a triple-net lease. The trial court only determined that a month-to-month lease existed, that the appellants breached it by failing to pay rent, and that the appellee was entitled to possession. Since the full lease terms had not yet been litigated, the court deemed this issue not ripe for review. The appellants' claims were overruled.	Baldwin, J.	1/17/2025
Civil	GERHARD MEYER, ET AL. VS. COUNTRYTYME LAND LLC, ET AL.	Case No. 2024 CA 00014	Appeal from the Fairfield County Court of Common Pleas, Case No. 2022 CV 00087	Affirmed	Property sale/reclaimed mine; summary judgment on fraudulent misrepresentation The Plaintiffs-Appellants appealed the trial court's decision granting summary judgment in favor of the Defendants-Appellees, Countrytyme Land LLC. The Appellants argued that the trial court erred in granting summary judgment on their claims of negligent misrepresentation and fraudulent misrepresentation. The Court of Appeals found that the evidence presented did not support the allegations that the Appellees made false material representations, concealed material facts with the intent to mislead the Appellants, or proximately caused any damages to the Appellants. Judge Hoffman concurred with the majority's overall analysis and resolution of the Appellants' two assignments of error but wrote a separate opinion. In his concurrence, he expressed disagreement with the majority's broad assertion that a self-serving affidavit, uncorroborated by other evidence, is insufficient to establish the existence of a genuine issue of material fact.	King, J.	1/20/2025

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Civil	JAY CLARK VS. ARTISTIA CLARK	Case No. 2024 CA 00037	Appeal from the Licking County Court of Common Pleas, Case No. 22-CV-00049	Affirmed	Jury trial Jay Clark appealed the trial court's decision granting summary judgment in favor of the Appellees, Artistia Clark and others, on several claims, including breach of contract, promissory estoppel, and shareholder oppression. J. Clark argued the trial court erred in dismissing his claims based on an alleged oral agreement with Artistia to transfer her majority shares in Clark Brothers Farms if he maintained the farm. The Court of Appeals found that the alleged oral agreement lacked definite terms and failed to meet the legal requirements for enforceability, affirming the trial court's dismissal of Jay's breach of contract and promissory estoppel claims. The Court of Appeals also upheld the trial court's findings that the claims related to Artistia's will were barred by Ohio law requiring agreements to make a will to be in writing. The Court of Appeals upheld the jury's verdict awarding Jay \$82,000 for Artistia's breach of fiduciary duty as a majority shareholder but affirmed the trial court's denial of other claims, including declaratory judgment and unjust enrichment. Procedural rulings, such as the exclusion of testimony about oral promises from deceased family members and the denial of jury instructions on non-economic damages, were also affirmed. The decision emphasized the importance of written agreements and clarified the fiduciary obligations of majority shareholders in closely held corporations.	Gwin, J.	1/21/2025
Civil	JOEL M. BOYDEN VS. SHERYL M. BOYDEN	Case No. 24 CAF040026	Appeal from the Delaware County Court of Common Pleas, Case No. 07DRA080355	Affirmed	Attorney fees The Defendant-Appellant appealed the judgment challenging the award of attorney fees to the Plaintiff-Appellee. The Appellant argued that the trial court erred as a matter of law by applying the same factors to assess the reasonableness and equitability of the fees and abused its discretion by awarding fees without competent, credible evidence to justify their equity. The Court of Appeals upheld the trial court's decision, finding that the record supported the award. The trial court considered factors such as the Appellant's multiple continuance requests, the need for the Appellee to respond to motions and discovery, and the Guardian ad Litem's report, which concluded that the current parenting schedule met the needs of both parents and the child with minimal required changes. The Court of Appeals determined that the trial court neither erred as a matter of law nor abused its discretion in awarding attorney fees to the Appellee.	Delaney, P.J.	1/22/2025
Civil	TARAHFIELDS, LLC, ET AL. VS. WHITE LAW OFFICE CO., ET AL.	Case No. 24CA013	Appeal from the Holmes County Court of Common Pleas, Case No. 22CV023	Affirmed	Motion to vacate judgment Tarahfields, LLC, Razor Lake, LLC, and Terry L. Jurin appeal the denial of their motion for relief from judgment. They had retained the appellees, White Law Office and its attorneys, for a breach of contract case in 2019. The appellants argued the trial court erred in denying their Civ.R. 60(B) motion without a hearing. Their motion relied on the same arguments previously rejected in summary judgment, and they failed to justify why the cited new evidence was not discovered earlier. The court found no fraudulent misrepresentation or misconduct and ruled that the motion was speculative. The court did not consider the motion untimely but addressed it on its merits. Finding no abuse of discretion, the appellate court affirmed the trial court's decision.	Delaney, P.J.	1/22/2025
Civil	ANTHONY S. DAVIS VS. STATE OF OHIO	Case No. 2024CA0006	Appeal from the Morrow County Court of Common Pleas, Case No. 2022CV00047	Affirmed	Declaratory judgment Davis appeals the Morrow County Court's dismissal of his complaint for declaratory judgment, arguing due process violations. The court treated his complaint as a post-conviction relief petition, which does not guarantee a retrial or an evidentiary hearing. The appellate court affirmed the dismissal, ruling that Davis's claims were barred by res judicata.	Hoffman, J.	1/22/2025
Civil	PEKIN INSURANCE COMPANY VS. CHARLES WEST dba C & D AUTO WORLD, ET AL.	Case Nos. 2024 CA 0012 2024 CA 0013 2024 CA 0014	Civil Appeal from the Richland County Court of Common Pleas, Case No. 2023 CV 0032	Affirmed in part; reversed in part; and remanded	Declaratory action; garage operations Melvin Sparks, Denise Sparks, Dennis West (as Administrator of Solomon Grassick's Estate), and Kristy Garver (as Guardian of M.G.) appeal the decision denying their motion for summary judgment and granting summary judgment to Pekin Insurance Company. The case concerns a declaratory judgment on coverage under a commercial insurance policy issued to Charles West dba C & D Auto World. The appellate court upheld the trial court's finding that Colin Grassick's use of the vehicle did not qualify under the policy's "garage operations" provision. It found that a genuine issue of material fact existed regarding whether Grassick was a permissive user or potential customer. The judgment was affirmed in part, reversed in part, and remanded for further proceedings.	Wise, J.	1/23/2025
Juvenile	IN THE MATTER OF: W.P., B.P., D.P., AND Z.P.	Case Nos. 2024 CA 00139 2024 CA 00140 2024 CA 00141 2024 CA 00142	Appeals from the Stark County, Ohio Court of Common Pleas, Family Court Division	Affirmed	Permanent custody The Appellant-Mother appealed the Stark County, Ohio, Family Court's decision to terminate her parental rights and grant permanent custody of her children to SCDJFS. She argued the trial court erred in finding grounds for permanent custody and determining it was in the children's best interests, claiming these findings lacked clear and convincing evidence and contradicted the manifest weight of the evidence. However, the Court of Appeals affirmed the decision, citing clear evidence that the mother failed to remedy the conditions leading to the children's removal, including failed drug tests, sporadic visitation, and unstable housing and employment. The court also determined permanent custody served the children's best interests, given their bonds with adoptive foster families and need for stability. The appellate court found no error or miscarriage of justice in the trial court's judgment.	King, J.	1/21/2025

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Domestic Relations	LAUREN HAMMONS VS. MATTHEW HAMMONS	Case No. 24 CAF 06 0035	Appeal from the Delaware County Court of Common Pleas, Domestic Relations Division, Case No. 11DRA 06 0339	Affirmed	Civ.R. 60(B); attorney fees Matthew Hammons appeals the denial of his Civ.R. 60(B) motion to vacate prior court judgments, including an order requiring him and his attorney to pay \$1,348 in attorney fees. He argues the trial court erred in its denial, but the appellate court disagrees, stating that Civ.R. 60(B) cannot be used as a substitute for an appeal. His claims are barred by res judicata, as he could have addressed his concerns through a separate motion but failed to do so. The trial court’s decision is affirmed.	Baldwin, P.J.	1/22/2025