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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
In re V.N.	2025CA00040 2025CA00041	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case Nos. 2023JC00495 2023JC00496	Affirmed	Permanent Custody - Trial Court's finding father had abandoned children supported by evidence - Agency made reasonable efforts J.N. ("Father") appealed the March 28, 2025 judgment of the Stark County Court of Common Pleas, Juvenile Division, which terminated his parental rights to his two minor children and granted permanent custody to the Stark County Department of Job and Family Services. The agency initially became involved in January 2023 due to concerns about the children's mother's substance abuse, neglect, and homelessness. Father, who lived in Florida, told SCJFS he was not in a position to care for the children. Over a year later, he expressed interest in custody, and Florida approved his home through an interstate placement assessment. However, after one visit in November 2024, the children reported poor living conditions and stated they did not wish further contact with him. The GAL recommended permanent custody to SCJFS, and the court found Father had abandoned the children, who had been in agency custody for over 12 months, and that they could not or should not be placed with him. On appeal, the court found sufficient evidence supporting these findings and concluded SCJFS made reasonable and diligent reunification efforts. The judgment terminating Father's parental rights was affirmed.	Hoffman	11/10/2025
Estate of Blazef v. Mansfield Planning Comm.	2025 CA 0017	Appeal from the Richland County Court of Common Pleas, Case No. 2022CV 0099 N	Affirmed	Demolition Order; Subject Matter Jurisdiction Appellant Jaceda Blazef, Administratrix of the Estate of Slava Blanka, appealed the Richland County Court of Common Pleas' dismissal of her administrative appeal for lack of subject-matter jurisdiction. The dispute arose after the City of Mansfield issued demolition orders for a deteriorated commercial property owned by Blazef's family. Following multiple hearings and a prior administrative appeal ("Blazef I") that Blazef voluntarily dismissed after settling with the City, the City Planning Commission later voted to proceed with demolition in February 2022, and the City sent a March 4, 2022 letter memorializing that decision. Blazef appealed this correspondence ("Blazef II"), but the trial court dismissed the case, finding the decision was not issued from a quasi-judicial proceeding and thus was not appealable under R.C. 2506.01. The appellate court affirmed, holding that once Blazef I was dismissed, the demolition order became final; the Commission was not legally required to hold another evidentiary hearing; and therefore, the trial court lacked jurisdiction. The court also rejected Blazef's due process claim, finding she had already been afforded proper notice and hearings before the demolition order became final.	Popham	11/10/2025
State v. Vogelsong	2025CA0001	Appeal from the Coshocton County Court of Common Pleas, Case No. 2024CR0056	Affirmed	Weight of evidence Vogelsong was indicted in the Coshocton County Court of Common Pleas on one count of breaking and entering, a violation of R.C. 2911.13(A). After pleading not guilty, she was tried before a jury in November 2024 and found guilty. Evidence at trial showed that Vogelsong, along with others, entered Cheryl Cole's property without permission, removed items, and transported them to a scrapyard. Witness Casey Albright, who served as the lookout, testified that Vogelsong carried items from the property to the car, and trail camera photos corroborated her account. Though Vogelsong challenged the credibility of Albright's testimony and argued insufficient evidence, the appellate court held that the jury was entitled to believe the witnesses and weigh the evidence accordingly. Finding the conviction supported by sufficient evidence and not against the manifest weight of the evidence, the appellate court affirmed Vogelsong's conviction.	Montgomery	11/10/2025
Millbrook Assn., Inc. v. Wills	25 CAG 05 0035	Appeal from the Delaware Municipal Court, Case No. 24 CVI 2233	Reversed and Remanded	A municipal court has subject-matter jurisdiction to hear cases in which a homeowners' association seeks to recover money for unpaid dues and other fees Millbrook Association, a homeowners' association, sued homeowners Konoa and Christina Wills in Delaware Municipal Court to collect \$881.42 in unpaid assessments, late fees, and legal costs. The municipal court dismissed the case for lack of subject-matter jurisdiction, reasoning that enforcement of deed declarations was outside its authority. On appeal, the Fifth District Court of Appeals reversed, holding that municipal courts do have jurisdiction over actions seeking money damages for unpaid homeowners' association dues. The court explained that such claims are contractual in nature, as deed declarations and restrictive covenants are considered contracts under Ohio law. Because the association's suit sought only monetary relief—not equitable remedies like injunctions or declaratory judgments—it was properly within the municipal court's jurisdiction under R.C. 1901.18(A). The appellate court also found that Ohio's Planned Community Law (R.C. Chapter 5312) does not alter or limit that jurisdiction. The judgment was reversed, and the case was remanded for further proceedings.	Gormley	11/10/2025
State v. Payne	2024 CA 00050	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024CR0029	Affirmed	Weight of the evidence; Credibility of witness Johnny F. Payne, Jr. was indicted in the Fairfield County Court of Common Pleas on four counts of gross sexual imposition for sexually abusing his stepdaughter, C.C., who was under 13 at the time of the offenses. Following a jury trial in August 2024, Payne was found guilty on all counts and later sentenced in November 2024. On appeal, Payne argued that his convictions were unsupported by sufficient evidence and were against the manifest weight of the evidence, claiming the State's case relied solely on the victim's credibility. The appellate court rejected this claim, noting that the State presented multiple witnesses—including a school counselor, a child services worker, a detective, and others—as well as corroborating exhibits such as text messages and interview recordings. The court held that credibility determinations are within the jury's province and found that the jury did not lose its way in reaching its verdict. Accordingly, Payne's convictions were affirmed.	Montgomery	11/10/2025

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State v. Hayes	CT2025-0055	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0771	Affirmed	Kidnapping, Strangulation, Sufficiency of Evidence, Manifest Weight of the Evidence, Maximum Sentence Ian Hayes was convicted in the Muskingum County Court of Common Pleas of kidnapping with a repeat violent offender specification and strangulation, and sentenced to an aggregate prison term of 21 to 26½ years. The convictions stemmed from a November 2024 incident in which Hayes, while staying at the victim's home, accused her children of stealing a hoodie, became enraged, struck and choked the victim, and caused her to fear for her life. Police observed marks on her neck consistent with strangulation, and recorded jail calls captured Hayes pressuring the victim not to press charges. Although the victim later recanted and testified the marks were from consensual "rough sex," the jury credited her earlier statements and found Hayes guilty of kidnapping and one count of strangulation, while acquitting him of aggravated burglary and another strangulation count. On appeal, the court found sufficient evidence supported the verdicts, that the convictions were not against the manifest weight of the evidence, and that the maximum sentence for kidnapping was lawful and within the court's discretion. The judgment was affirmed.	Hoffman	11/12/2025
State v. Dickerson	25 CAA 07 0059	Appeal from the Delaware County Court of Common Pleas, Case No. 17 CRI 06 0374	Affirmed	Motion to dismiss, Quash detainer Larry Dickerson appealed the Delaware County Court of Common Pleas' July 14, 2025 decision denying his second motion to dismiss, quash, or modify a detainer related to his state sentence. Dickerson had previously pleaded guilty in 2017 to three counts of unlawful sexual conduct with a minor and, after violating community control by soliciting an undercover officer, was sentenced in 2021 to concurrent five-year prison terms and a mandatory five-year post-release control. While serving a concurrent federal sentence, he argued that an Ohio detainer prevented him from accessing federal prison programs. The trial court found the detainer was a direct consequence of his mandatory post-release control and that it lacked authority to remove it, as such actions fall within the discretion of the Ohio Adult Parole Authority. On appeal, the court agreed, noting Dickerson provided no evidence identifying the detaining agency or showing program denial by federal authorities. Finding no error, the appellate court affirmed the trial court's judgment.	Popham	11/12/2025
State v. Smith	CT2025-0080	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2022-0030	Affirmed	Trial court properly denied a post-conviction petition in which the defendant asked the court to reduce the defendant's restitution obligation. The original sentencing entry contained no clerical errors or omissions, and a trial court has no authority to reduce or eliminate a restitution obligation after a sentence is imposed. Appellant Smith appealed the Muskingum County Court of Common Pleas' denial of his "nunc pro tunc motion," seeking to reduce his restitution amount and be resentenced. In 2022, Smith pled guilty to identity fraud, theft from a person in a protected class, and aggravated possession of drugs, receiving an indefinite prison term of six to nine years and an order to pay \$46,846.51 in restitution. After losing his direct appeal and a subsequent untimely post-conviction petition challenging the restitution amount, Smith filed the present motion, arguing that the restitution figure was incorrect. The appellate court affirmed the denial, explaining that a nunc pro tunc order can correct only clerical errors, not substantive sentencing decisions. Because Smith's restitution was part of a valid plea agreement and no clerical error existed, the trial court lacked authority to modify the restitution or hold a hearing. The judgment was therefore affirmed, with costs assessed to Smith.	Gormley	11/12/2025
State v. Thornsley	2025 AP 04 0014	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2023 CR 01 0018	Affirmed	Breaking and Entering - Grand Theft - Amendment of Indictment - Joint Representation - Manifest Weight and Sufficiency of Evidence - Hearsay Business Record - Restitution Defendant-appellant Thornsley was convicted by a Tuscarawas County jury of breaking and entering and grand theft after a 2022 burglary at Furry Trails Pet Transportation Company, where over \$30,000 in cash and checks were stolen from company vans. Surveillance footage showed three suspects, and a flashlight left at the scene contained Thornsley's DNA, linking her to the crime. A search of her home uncovered clothing and items matching those seen in the video. Thornsley and her husband, Chad Thornsley, were tried jointly with the same attorney and were both sentenced to three years of community control and ordered to pay \$34,613 in restitution. On appeal, Thornsley argued ineffective assistance of counsel due to joint representation, improper amendment of the indictment date, admission of hearsay evidence, insufficient and against-the-weight evidence, and improper restitution. The appellate court rejected all arguments, finding no conflict of interest, no prejudice from the amended indictment, properly admitted business records, sufficient evidence of guilt and theft amount, and a supported restitution figure, thereby affirming her conviction and sentence.	Hoffman	11/12/2025
State v. Thornsley	2025 AP 03 0013	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2023 CR 01 0019	Affirmed	Breaking and Entering - Grand Theft - Amendment of Indictment - Joint Representation - Manifest Weight and Sufficiency of Evidence - Hearsay Business Record - Restitution Defendant-appellant Thornsley appeals his convictions for breaking and entering and grand theft, challenging his joint representation with his co-defendant wife, the amendment of the indictment date, admission of a spreadsheet showing the loss amount, sufficiency and weight of the evidence, restitution, and certain community control conditions. The crimes involved a break-in at Furry Trails Pet Transportation, where cash and checks exceeding \$30,000 were stolen. Evidence included DNA from a flashlight linking his wife, clothing and a flashlight matching surveillance footage found at the Thornsleys' residence, and Thornsley's familiarity with a competing transport business. The trial court permitted joint defense counsel, allowed the indictment amendment, admitted the spreadsheet as a reliable business record, and ordered restitution of \$34,613, along with community control including no alcohol or drug use. The appellate court found no reversible error: Thornsley failed to show an actual conflict of interest, was not prejudiced by the indictment amendment, evidence sufficiently supported the convictions, the restitution award was properly supported, and the community-control conditions did not constitute plain error. Thornsley's appeal was therefore overruled and the convictions affirmed.	Hoffman	11/12/2025

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State v. Stevens	25 CAA 03 0024	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CRI 08 0411	Affirmed	Manifest Weight - Gross Sexual Imposition - R.C. 2907.05(A)(1) Defendant-appellant James T. Stevens appealed his conviction for gross sexual imposition following a jury trial in the Delaware County Court of Common Pleas. Stevens had been indicted on charges of rape, sexual battery, and gross sexual imposition, pled not guilty, and waived his right to a speedy trial. At trial, the State presented evidence including Victim's testimony that Stevens engaged in sexual contact with her, and a recorded call in which Stevens admitted to touching her leg. Stevens called expert Dr. Kamala London, who testified generally on child suggestibility, trauma, and interviewing best practices, but did not specifically dispute Victim's account. The jury acquitted Stevens of rape and sexual battery but convicted him of gross sexual imposition, and the court imposed a four-year community control sentence and classified him as a Tier I sex offender. On appeal, Stevens argued the conviction was against the manifest weight of the evidence due to alleged issues with Victim's credibility. The appellate court reviewed the record in detail, gave deference to the jury's credibility determinations, and concluded the verdict was not against the manifest weight of the evidence, affirming the conviction and sentence.	Hoffman	11/12/2025
Maynard v. Maynard	25 CAF 06 0045	Appeal from the Delaware County Court of Common Pleas, Domestic Relations Division, Case No. 13 DR A 10 0472	Affirmed	Appellate review of 60(B) motion Marci L. Maynard ("Appellant") and Charles H. Maynard ("Appellee") were divorced in 2015, and since then have engaged in numerous post-decree proceedings regarding custody, including the appointment of a parenting coordinator. In 2024, Appellant objected to several decisions of the parenting coordinator and the magistrate, which the trial court ultimately overruled. Appellant filed a notice of appeal in November 2024, which was dismissed as untimely, and a subsequent Motion for Delayed Appeal, which was denied. She then sought relief from the trial court's October 1, 2024 judgment under Civ.R. 60(B), claiming the orders were impossible to fulfill, but the trial court denied the motion in May 2025, finding it was an attempt to relitigate matters that should have been raised on direct appeal. On appeal, this Court affirmed the trial court's decision, overruling Appellant's first assignment of error and declining to consider her remaining claims.	Montgomery	11/12/2025
State v. Cook	2025 CA 00010	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CR 193	Affirmed in Part, Remanded in Part	Motion to sever; Severance of criminal charges; Prejudice to defendant; Imposition of post-release control; Sufficiency of the evidence; Manifest weight of evidence; Failure to object; Plain error Defendant-Appellant Christopher Cook appealed his convictions in the Fairfield County Court of Common Pleas for Aggravated Possession of Drugs and Tampering with Evidence following a jury trial. The charges arose from a traffic stop on April 19, 2024, during which Cook fled from officers, prompting his passenger, Shannon Jones, to throw a bag containing 10.2 grams of methamphetamine out of the vehicle. Eyewitness testimony, Jones' account, and body camera footage supported the jury's finding that Cook instructed Jones to discard the drugs. Cook also challenged the admission of a jail phone call, the sufficiency and weight of the evidence, and the trial court's denial of a motion to sever an Aggravated Trafficking count, but the appellate court found no error, noting that the jury was properly instructed to disregard the dismissed trafficking charge and associated evidence. Cook's convictions were supported by sufficient evidence and not against the manifest weight of the evidence. However, the appellate court found the trial court failed to properly advise Cook regarding post-release control (PRC) and remanded for the limited purpose of correcting this deficiency, while affirming the convictions.	Montgomery	11/13/2025
C. Norris Mfg., LLC v. Holmbury, Inc.	2025 CA 00058	Appeal from the Court of Common Pleas of Stark County , Case No. 2023 CV 02279	Affirmed	Economic-loss rule and the integrated-system rule barred the buyer of allegedly defective products from pursuing tort claims against the products' manufacturer and suppliers. The buyer's remedy for the damage that the products allegedly caused to equipment into which the products were incorporated by the buyer is found not in a common-law negligence suit or in the Ohio Products Liability Act but instead in contract law. Plaintiffs C. Norris Manufacturing and Cincinnati Specialty Underwriters Insurance Company appealed the trial court's dismissal of their negligence and product-liability claims against Holmbury, PowerPure, and Craig Eppler, seeking recovery for damages they paid to Berg/Crushing after a Komatsu excavator retrofitted with a new boom arm suffered catastrophic failure due to defective couplers and fittings. The appellate court affirmed the dismissal, holding that the claims were barred by Ohio's economic-loss rule and the integrated-system doctrine. Because the defective components were integrated into the excavator, any resulting damage was not considered harm to "other property," and plaintiffs' losses were purely economic, recoverable only under contract, not tort. The court similarly found that statutory product-liability claims under the Ohio Products Liability Act were barred for the same reason, and emphasized that the economic-loss rule serves to enforce parties' contractual bargains, prevent unwarranted tort recovery, and maintain predictability in commercial transactions.	Gormley	11/13/2025