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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 J.H.	2025CA00050, 2025CA00051 & 2025CA00052	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case Nos. 2023JCV00191, 2023JCV00192, & 2023JCV00193	Affirmed	Permanent Custody Mother appeals the Stark County Juvenile Court's decision terminating her parental rights and granting permanent custody of her three children to SCJFS, following a two-year history of abuse allegations involving Mother's partner, D.A., repeated safety concerns, and Mother's inconsistent engagement with case-plan services. Although Mother completed some case-plan requirements and briefly regained custody under protective supervision, evidence showed she continued her relationship with D.A., denied his history of violence, resisted home visits, and failed to participate in counseling and parenting programs. Multiple witnesses—including the caseworker, the parenting-program supervisor, a psychologist, and the children's trauma evaluator—testified that Mother lacked insight into the danger posed by D.A. and could not safely parent. The children reported continued contact with D.A. and described past physical abuse. They were stable and bonded in their foster placement. The GAL recommended permanent custody, and the trial court found the children had been in agency custody for more than 12 of 22 months, could not be safely returned to either parent within a reasonable time, and that permanent custody was in their best interests. Mother now challenges the admission of hearsay, the effectiveness of her trial counsel, and the court's best-interest determination.	Popham	11/19/2025
State v. Smith	2025 CA 00035	Appeal from the Licking County Municipal Court, Case No. 24 TRC 02207	Affirmed	Where an appellant's brief does not cite to the record or cite any authorities in support of the appellant's position, the court of appeals can properly dismiss the appeal. The trial court did not abuse its discretion when it denied a continuance request four days before a jury trial, and the appellant has not shown any error in the trial court's decision to admit video recordings as trial exhibits. Trevor Smith appeals his OVI conviction, arguing that the trial court wrongly denied his last-minute request for more time to review discovery and subpoena witnesses, and that the prosecution improperly altered a dash-cam and body-cam video shown to the jury. The appellate court, however, affirms the judgment, noting that Smith's brief violates App.R. 16(A) and lacks citations, argument, and a trial transcript, which alone would justify dismissal. On the merits, the court explains that the case had already been pending for over a year with multiple continuances granted, Smith waited until four days before trial to seek another delay, and he failed to identify any unreviewed discovery or intended witnesses—leaving the trial court well within its discretion to proceed. His self-representation does not entitle him to special treatment. The challenge to the video evidence also fails because, without a trial transcript, the appellate court must presume regularity, and nothing in the record supports Smith's allegation that the videos were improperly modified. Accordingly, the conviction and sentence are affirmed.	Gormley	11/19/2025
State v. Simpson	CT2025-0039	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2023-0442	Reversed and Remanded	Criminal defendant's post-conviction claims were not barred by the doctrine of claim preclusion where he filed an affidavit describing relevant facts not in the trial-court record, and he was entitled to a hearing in the trial court on his allegations, which, if proven, could entitle him to post-conviction relief. Appellant Nukiyus Simpson challenged the trial court's denial of his post-conviction relief petition without an evidentiary hearing, arguing that his claims rested on evidence outside the trial record—specifically, an unrecorded in-chambers discussion in which the State allegedly conditioned its plea offer on his waiver of discovery. Because this information did not appear in the record and could not have been raised on direct appeal, the appellate court held that the petition was not barred by claim preclusion. Simpson supported his petition with a detailed affidavit from trial counsel describing withheld discovery, the off-record plea discussions, and the pressure placed on him to plead guilty without reviewing critical materials, raising potential constitutional violations. Finding that these submissions provided sufficient operative facts to warrant further inquiry, the appellate court reversed the trial court's decision and remanded for an evidentiary hearing.	Gormley	11/20/2025
Roth v. Mulch Mfg., Inc.	2025 CA 00014	Appeal from the Licking County Court of Common Pleas, Case No. 22CV00347	Dismissed	Dismissed for lack of final appealable order. The defendants, Mulch Manufacturing, Inc. and Sustainable Green Team, Ltd., appealed a February 20, 2025 judgment awarding more than \$4.3 million in damages and attorney fees to former employee Tina Roth after the trial court entered default judgment against them for repeated discovery violations in her employment discrimination case. Roth had brought multiple claims alleging unequal pay, sex discrimination, retaliation, and related contract and tort theories. Although the trial court granted default judgment and assessed extensive damages against the corporate defendants, it did not resolve the still-pending claims against executive officer Anthony Raynor, nor did it include Civ.R. 54(B) language permitting an immediate appeal. Because the case remained active when the defendants filed their notice of appeal, and the unresolved claims were not dismissed until months later, the appellate court held there was no final appealable order and dismissed the appeal for lack of jurisdiction.	King	11/20/2025

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