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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
M.S. v. Ives	25 COA 00011	Appeal from the Licking County Court of Common Pleas, Domestic Relations Division, Case No. 24 DR 01007	Affirmed	Domestic violence civil protection order The Fifth District Court of Appeals affirmed a domestic violence civil protection order granted to M.S. against her husband, Neil Ives, after evidence showed a pattern of escalating violence tied to his mental health issues and heavy alcohol use. Testimony established that Ives threatened suicide and homicide with a firearm in 2023, later bruised M.S.'s arms during a physical altercation, and in October 2024 struck her in the face and destroyed her internet equipment during an argument. The court held that the magistrate properly denied Ives's last-minute request for a continuance, that any admission of testimony about prior incidents not detailed in the petition was harmless error because the October 2024 assault alone justified the protection order, and that sufficient, credible evidence supported extending the order to the children based on Ives's dangerous behavior. The court further rejected Ives's claims that the trial judge relied on facts outside the record, concluding the judge's observations were grounded in the testimony and common experience.	King	11/25/2025
State v. Williams	25 CAA 01 0009	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CRI 06 0308	Affirmed	Sufficiency and manifest weight The Fifth District Court of Appeals affirmed Rico Williams's conviction for possession of a fentanyl-related compound, rejecting his claims that the evidence was legally insufficient and that the verdict was against the manifest weight of the evidence. During a February 2023 traffic stop, Williams was arrested on an outstanding warrant, and a search revealed a digital scale with residue; his passenger produced two loaded firearms and three baggies of suspected drugs. After being Mirandized, Williams admitted on dash-camera video that he had handed the drugs and guns to the passenger and identified the substances as meth, crack, and fentanyl. Lab testing confirmed the presence of fentanyl, methamphetamine, and cocaine, and Williams had a prior felony drug-possession conviction. At trial, the State presented the arresting officer's testimony, the video admission, and lab results, and the jury convicted him on all counts. On appeal, Williams argued that the State failed to prove the fentanyl sample did not contain marijuana, invoking R.C. 2925.11(C)(9)(a), but the court held that his recorded admission that one bag contained fentanyl satisfied R.C. 2925.11(C)(9)(b), making the marijuana-mixture provision inapplicable. Finding ample evidence for a rational juror to convict and no miscarriage of justice, the appellate court affirmed the trial court's judgment.	Baldwin	11/25/2025
State v. Art	CT2025-0051	Appeal from the Muskingum County Court of Common Pleas, Case No. CP 2024-0128	Affirmed	Sufficiency/weight/sentence not based on appellant's maintaining his innocence and refusing to express remorse at sentencing The Fifth District Court of Appeals affirmed Shane Art's convictions for two counts of gross sexual imposition involving a child under thirteen. The court held that sufficient evidence supported the jury's verdict and that the convictions were not against the manifest weight of the evidence. The State presented the victim's statements from a forensic interview—admitted largely under the medical-diagnosis hearsay exception—along with testimony from family members, investigators, and medical professionals, as well as Y-STR DNA results linking biological material on the child to Art's paternal lineage. Although some portions of the child's interview should not have been admitted, the court found any error harmless because the remaining evidence independently established guilt. The court also rejected Art's arguments that the child was unreliable and that the DNA could have been innocently transferred. Finally, the court found no merit in Art's claim that the trial court improperly enhanced his sentence in retaliation for maintaining innocence, and therefore affirmed the judgment.	Popham	11/25/2025
Franks v. Thomas	2025CA00016	Appeal from the (Stark County) Canton Municipal Court, Case No. 2024-CVG-4118	Affirmed	Party has obligation to keep court apprised of his/her current address - failure to file transcript - Knapp v. Edwards Lab Defendant-appellant Vera Thomas appealed the Canton Municipal Court's February 13, 2025 judgment overruling her objections to a magistrate's report awarding plaintiff-appellee Harold Franks \$4,051 for unpaid rent and damages. Thomas and her son, Miles Clark, had rented Franks' property but failed to vacate after receiving a Notice to Leave Premises, prompting a forcible entry and detainer action and claims for monetary damages. Although Clark filed an objection to an earlier magistrate's report, Thomas did not. Following Appellee's amended complaint and proper service to Thomas' updated address, Thomas failed to appear at the January 29, 2025 hearing, leading to a judgment in Franks' favor. On appeal, Thomas argued lack of proper notice, retaliatory charges, improper calculation of damages, and failure to address the landlord's habitability obligations. The appellate court found that Thomas had received sufficient notice and that her failure to maintain a current address was her responsibility. Further, because transcripts of the hearings were not provided, the court presumed the lower court proceedings were valid. Accordingly, all assignments of error were overruled, and the Canton Municipal Court's judgment was affirmed.	Hoffman	11/25/2025
In re Guardianship of Babcock	2025CA00047	Appeal from the Stark County Court of Common Pleas, Probate Division, Case No. 252016	Affirmed	Failure to file objections to magistrate's decision forfeits all but plain error argument on appeal Arnold Babcock, Sr. petitioned the Stark County Probate Court on March 31, 2025, to be appointed guardian of his son, Arnold Babcock, Jr., citing Arnold Jr.'s severe schizophrenia and inability to care for himself or manage his finances, as documented in an expert evaluation by Dr. Michael Carlisle. After proper notice was served, a guardianship hearing was held on April 29, 2025, with both parties present. The magistrate issued a decision declaring Arnold Jr. incompetent and recommending Arnold Sr. be appointed guardian of his person and estate, which the probate court adopted in a Judgment Entry on April 30, 2025. Arnold Jr. appealed, alleging lack of legal representation, misrepresentation by his father, and bias in the proceedings. The appellate court found Arnold Jr. had not filed objections to the magistrate's decision or provided a transcript of the hearing, limiting review to the face of the record. Finding no plain error or legal defect, the court overruled all of Arnold Jr.'s assignments of error and affirmed the probate court's judgment appointing Arnold Sr. as guardian.	Montgomery	11/25/2025

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State v. Russell	25 CAA 02 0019	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CR I 03 0317	Affirmed	Confrontation of witness; Exceptions to hearsay Benjamin Russell appealed his conviction for one count of third-degree felony domestic violence following a jury trial in the Delaware County Court of Common Pleas. The incident occurred on June 2, 2024, and involved physical assault of his girlfriend, R.H., with evidence including her statements to paramedics, bodycam footage, and a 911 call made by the appellant’s brother. The trial court admitted the statements under exceptions to the hearsay rule, including medical treatment, excited utterance, and present sense impression, and found no Confrontation Clause violation as the statements were nontestimonial. The jury convicted Russell, and he was sentenced to 36 months in prison with post-release control. On appeal, he argued violations of his confrontation rights, improper admission of hearsay, and cumulative error affecting his right to a fair trial. The appellate court found all claims without merit, concluding that the statements were properly admitted, the evidence overwhelmingly supported the conviction, and no cumulative error occurred, thereby affirming the trial court’s judgment.	Baldwin	11/25/2025
State v. Meinert	25 CAA 02 0017	Appeal from the Delaware County Court of Common Pleas, Case No. 22 CRI 10 0550	Affirmed	Anders Cassandra Meinert appealed the revocation of her intervention in lieu of conviction (ILC) for a fifth-degree felony bad check offense. After pleading guilty in May 2023, Meinert was granted ILC due to mental health concerns and was required to comply with 17 conditions, including participation in counseling programs as directed by her probation officer. The State moved to terminate her ILC in October 2024, citing her failure to complete an intensive outpatient program (IOP) ordered by her probation officer. Despite arguments that her noncompliance was due to a skin condition and past trauma, the trial court found she had violated her ILC plan, revoked her intervention, and imposed an 18-month community control sanction under the same conditions as the ILC, foregoing jail time due to her health circumstances. Appellate counsel filed an Anders brief, asserting the appeal was frivolous. Upon independent review, the appellate court found no nonfrivolous issues, concluded the trial court did not abuse its discretion, and affirmed the judgment while granting counsel’s motion to withdraw.	Montgomery	11/25/2025