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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. Woods	2025CA00022	Appeal from the Court of Common Pleas of Stark County , Case No. 2013CR0399	Affirmed	The trial court properly denied, without holding a hearing, a criminal defendant's request for permission to file a motion for a new trial based on newly discovered evidence where the affidavit filed by the defendant in support of his request did not contain the necessary clear and convincing evidence that the defendant had been, in the words of Criminal Rule 33(B), "unavoidably prevented" from discovering the new evidence within the 120-day time limit set by the rule. Defendant Samuel Woods appealed the Stark County Court of Common Pleas' denial of his request for permission to file a delayed motion for a new trial based on allegedly newly discovered evidence. Woods argued that an affidavit from a witness, who claimed another person committed the shooting, justified a new trial and that he was unavoidably prevented from discovering the evidence earlier. The trial court denied his request, finding Woods failed to provide clear and convincing proof that he could not have discovered the evidence within the required 120-day period after his 2013 conviction. The appellate court affirmed, explaining that Ohio Criminal Rule 33 requires defendants seeking a delayed new-trial motion to first show they were unavoidably prevented from discovering the evidence sooner. The court found Woods's affidavit insufficient because it did not explain what efforts were made to locate the witness, when contact occurred, or why the witness could not have been discovered earlier through reasonable diligence. Because Woods failed to satisfy the required showing, the trial court properly denied his request without holding a hearing. The judgment was affirmed.	Gormley	6/18/2026
State v. Riley	CT2025-0136	Appeal from the Muskingum County Court of Common Pleas, Case Nos. CR2025-0522 CR2025-0616	Affirmed	Manifest weight; Sentencing Defendant-Appellant Lindsie Riley appealed her convictions and sentences from the Muskingum County Court of Common Pleas, arguing that her drug convictions were against the manifest weight of the evidence and that the trial court improperly imposed maximum misdemeanor sentences. Riley was initially found guilty of aggravated possession of drugs, possession of a fentanyl-related compound, and possession of drug paraphernalia after U.S. Marshals discovered her with her boyfriend in a bedroom containing various drugs and drug-related items. Although Riley claimed the drugs belonged to her boyfriend and that she only accepted responsibility out of fear of him, the appellate court found sufficient evidence of constructive possession because the drugs and paraphernalia were in close proximity and within her control. Riley also challenged the maximum sentences imposed for her misdemeanor offenses, but the court held that the trial court had discretion to impose them and was not required to make specific findings that the offenses were the worst forms of the offenses. Considering Riley's criminal history, prior drug-related offenses, bond violations, and new offenses while awaiting trial, the appellate court found no abuse of discretion and affirmed the trial court's judgment.	King	6/18/2026
State v. Popham	2025 CA 00087	Appeal from the Court of Common Pleas of Licking County , Case No. 2024 CR 00726	Affirmed	Though the trial court did not tell the defendant that she could, in accordance with the first sentence of Criminal Rule 32.3(B), retain her own attorney to assist her at a community-control revocation hearing, no harm flowed from that oversight where the defendant was told by a magistrate that she had a right to counsel and that an attorney could be appointed for her if she could not afford one, and where the defendant applied for and received a public defender, who in turn represented her at the final revocation hearing. Defendant-Appellant Paula Popham appealed the trial court's decision revoking her community control and imposing a prison sentence after she admitted violating the terms of her supervision. Popham argued that her admission should be overturned because the court failed to advise her that she could retain an attorney of her choice and because she was not provided counsel or allowed to question her probation officer at the initial probable-cause hearing. The appellate court affirmed, finding that Popham failed to raise these issues in the trial court and therefore could only prevail by showing plain error. The court held that the trial court substantially complied with the rules because Popham was advised of her right to counsel, completed forms requesting appointed counsel, and later admitted the violations with appointed counsel present. The court also found that Popham had no right to counsel at the preliminary probable-cause hearing and that she failed to demonstrate any prejudice from the hearing procedure, especially because she later admitted the violations. Accordingly, the court overruled both assignments of error and affirmed the judgment revoking her community control and imposing the prison term.	Gormley	6/18/2026



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State v. Hargraves	CT2025-0091	Appeal from the Muskingum County Court of Common Pleas, Case No. CR 2025-0117	Affirmed	Maximum consecutive sentences/merger Appellant Kayla A. Hargraves appealed her Muskingum County conviction and sentence following guilty pleas to attempted aggravated burglary, felonious assault with a drive-by-shooting specification, and discharge of a firearm on or near prohibited premises. The charges stemmed from an incident where Hargraves drove a group to a residence after an alleged sexual assault, where the group broke into the home, later obtained a shotgun, and searched for the suspected attacker. They mistakenly confronted Willard, and after Hargraves stopped the vehicle, co-defendants fired two shotgun rounds at him, causing injuries. Hargraves entered a plea agreement dismissing several other charges, and the trial court sentenced her to an aggregate term of fifteen to nineteen years in prison. On appeal, Hargraves argued the trial court improperly imposed maximum and consecutive sentences and should have merged the felonious assault and firearm discharge convictions. The Fifth District Court of Appeals affirmed, finding the trial court properly considered the statutory sentencing factors, Hargraves's prior record, her involvement in the offense, and the seriousness of the conduct. The appellate court also held that consecutive sentences were supported because Hargraves's actions involved a dangerous course of conduct and significant risk to the public. Finally, the court ruled the offenses did not merge because felonious assault protected the individual victim while discharge of a firearm on or near prohibited premises involved separate harm to the public. The court overruled all assignments of error and affirmed the judgment.	Popham	6/23/2026
State v. Owens	2025-CA-00078	Appeal from the Licking County Municipal Court, Case No. 2025-TRC-03472	Affirmed	Waiver of Counsel Appellant Jessica Owens appealed her conviction in the Licking County Municipal Court, arguing that she did not validly waive her right to counsel. The case arose after a witness observed Owens driving erratically, hitting a curb, and appearing intoxicated before her vehicle was found at a Sheetz parking lot with a blown tire and an open alcohol container. Officers later found Owens nearby and observed signs of impairment, including slurred speech, bloodshot eyes, an odor of alcohol, and poor performance on field sobriety tests. Owens was charged with OVI and expired tags. Although the court advised her of her right to counsel and the penalties she faced, Owens chose to proceed without an attorney, filed multiple motions as a pro se defendant, represented herself at hearings, and signed a written waiver of counsel before trial. A jury found her guilty of OVI, and she received a jail sentence, license suspension, fines, and probation. On appeal, Owens argued her waiver of counsel was invalid because the trial court did not provide a sufficient advisement. The Fifth District Court of Appeals disagreed, finding that the totality of the circumstances showed Owens knowingly, intelligently, and voluntarily waived her right to counsel. The court noted that she was repeatedly informed of her rights, acknowledged the consequences, signed a written waiver, and consistently acted as her own attorney. The appellate court overruled her assignment of error and affirmed the trial court's judgment.	Popham	6/23/2026
State v. Davey	2025 CA 00086	Appeal from the Licking County Court of Common Pleas, Case No. 2024 CR 00807	Affirmed in part; Reversed in part	Merger of offenses Jonathan D. Davey appeal his sentence to a mandatory term of ten years to life imprisonment on Count One, which was rape of a victim less than thirteen years old. However, on appeal, the court found that Count One (rape) and Count Two (gross sexual imposition) arose from the same conduct and should have been merged for sentencing. As a result, the appellate court reversed the trial court's failure to merge these counts and remanded the case for resentencing, requiring the trial court to merge the offenses into a single conviction and allow the State to elect which offense to pursue for sentencing.	Popham	6/23/2026
In re D.D.	CT2025-0105	Appeal from the Muskingum County Court of Common Pleas, Juvenile Division, Case No. 22430183	Affirmed	Grandmother's motion to intervene in Juvenile Court matter properly denied Appellant J.S., the paternal grandmother of a child, appealed the Muskingum County Juvenile Court's denial of her motion to intervene in a child custody case involving MCACPS. J.S. originally obtained temporary custody of the child through Domestic Relations Court after alleging the child had been in her care, but the court later found that J.S., the child's parents, and her husband were unsuitable custodians. The case was transferred to Juvenile Court, where MCACPS obtained emergency custody after J.S. and her husband tested positive for methamphetamines and amphetamines. J.S. and her husband later sought to intervene so they could participate in the case and potentially seek legal custody, arguing J.S. had acted in loco parentis by caring for the child. The Juvenile Court denied the motion, finding the biological parents were making progress on their case plan, MCACPS was working toward reunification, and J.S.'s history—including prior removal of her seven children, substance abuse issues, and recent failed drug treatment participation—raised concerns about her suitability. On appeal, J.S. argued the trial court erred in denying intervention, but the Fifth District Court of Appeals held the Juvenile Court did not abuse its discretion. The appellate court found that although J.S. had temporarily acted in a parental role, the record supported the trial court's decision that intervention was unnecessary and affirmed the judgment.	King	6/23/2026



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State v. Catlin	CT2025-0127	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0378	Affirmed	Sentencing Appellant Bryan L. Catlin appealed his sentence from the Muskingum County Court of Common Pleas following guilty pleas to kidnapping, domestic violence with a firearm specification, obstructing official business with a firearm specification, improperly handling a firearm in a motor vehicle, and using weapons while intoxicated. As part of a plea agreement, rape charges were dismissed. The trial court sentenced Catlin to an aggregate prison term of sixteen years to a maximum of twenty-one and one-half years, including mandatory firearm time and consecutive sentences. On appeal, Catlin argued the trial court improperly relied on dismissed and uncharged conduct and failed to properly consider the seriousness and recidivism factors under Ohio sentencing law. The Fifth District Court of Appeals rejected his argument, finding the trial court reviewed the presentence investigation report, victim statements, mitigation materials, criminal history, and other relevant information before imposing sentence. The court noted that although the trial judge briefly misstated the purpose of the kidnapping offense by referencing sexual activity, the prosecutor corrected the error, and the sentencing entry properly reflected the actual conviction. The appellate court found the sentence was within the statutory range, the trial court properly considered R.C. 2929.11 and R.C. 2929.12, made the required findings for consecutive sentences, and did not improperly sentence Catlin for dismissed charges. The court overruled Catlin's sole assignment of error and affirmed the judgment.	Baldwin	6/23/2026
State v. Mullins	CT2025-0119	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2025-0490	Affirmed	A criminal defendant cannot challenge on appeal the trial court's failure to merge two offenses where the defendant expressly agreed in writing at his plea change that the offenses "do not merge." And though the trial judge, at the sentencing hearing, made a comment noting that he was trying to "decide how many decades" the defendant should spend in prison, the sentence imposed was not contrary to law where (1) the judge considered the overriding purposes of sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12, (2) a separate prison term was imposed for each offense, and each prison term was within the appropriate statutory range, and (3) the judge then made the necessary consecutive-sentence findings. Defendant Sterling Mullins appealed his sentence after pleading guilty to kidnapping, felonious assault, strangulation, and misdemeanor charges stemming from a violent attack on the mother of his child. Mullins argued that the kidnapping and felonious assault charges should have merged and that his sentence was unlawful because the trial court improperly imposed a "package" sentence. The appellate court affirmed the trial court, finding that Mullins waived the merger argument by signing a plea agreement stating that the offenses would not merge and by declining to raise the issue at sentencing. The court also rejected Mullins's sentencing challenge, holding that the trial judge imposed separate prison terms for each offense, within the statutory ranges, before ordering them to be served consecutively. Although the judge's comment about deciding "how many decades" of prison was appropriate was criticized, the court concluded the sentence complied with Ohio law and affirmed Mullins's 25-year minimum to 30-year maximum indefinite prison term.	Gormley	6/24/2026
Cincinnati Ins. Co. v. Truck Sales Leasing, Ltd.	2025 AP 08 0031	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2024 CT 03 0242	Affirmed	Insurance coverage Appellant Cincinnati Insurance Company (CIC) appealed a trial court decision granting summary judgment to Truck Sales Leasing, Gary Corpman, Westfield/American Select Insurance Company, and Rodney Rafael in a dispute over insurance coverage and subrogation after a vehicle accident. Winesburg Chair leased a tractor-trailer from Truck Sales and was required under the lease agreement to maintain liability insurance naming Truck Sales as an additional insured. While returning the leased vehicle after maintenance, Truck Sales employee Corpman caused an accident that seriously injured a bicyclist. CIC paid the injured party's settlement and sought contribution from the appellees, arguing it had subrogation rights. The appellate court affirmed the trial court, finding that CIC's own policy and the lease agreement required CIC to provide coverage, included Truck Sales as an additional insured, and contained a waiver of subrogation that prevented CIC from recovering against the appellees. The court held that the contracts were clear, no material facts were disputed, and summary judgment in favor of the appellees was proper.	Baldwin	6/24/2026
State v. Michalski	25-COA-023	Appeal from the Ashland County Court of Common Pleas, Case No. 24-CRI-236	Affirmed	Child endangering; Manifest weight of the evidence; Evidentiary matters within trial court's discretion; Duplicative photos; Demonstrations are within court's discretion Appellant Robert Michalski appealed his convictions for complicity to commit child endangering and tampering with evidence after a six-year-old child was restrained with handcuffs and attacked by Michalski's pit bull, causing severe neck injuries. The child had been forced into a room, restrained, and left with the dog, while evidence later showed Michalski owned the dog and attempted to conceal it after the incident. A jury found Michalski guilty, and he argued on appeal that the convictions were against the manifest weight of the evidence, his attorney was ineffective for failing to exclude certain photographs, the trial court improperly denied a physical demonstration involving handcuffs, the admission of photographs violated his right to a fair trial, and his consecutive sentences were unsupported. The appellate court rejected all arguments, finding sufficient direct and circumstantial evidence supported the convictions, trial counsel's decisions were reasonable, the evidence was properly admitted, and the trial court made the required findings before imposing consecutive sentences. The court affirmed Michalski's convictions and 108-month prison sentence.	Montgomery	6/24/2026



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In re Estate of Jasionowski	2025CA00165	Appeal from the Probate Court of Stark County , Ohio, Case No. 251929	Affirmed	Estate administration Appellant Michael Jasionowski appealed the Stark County Probate Court's decision granting his brother John Jasionowski's application for summary estate administration and denying his motion for relief from judgment. After the decedent, James Jasionowski, died, John filed for summary administration, providing the decedent's will stating he had no spouse or children and showing John had paid the funeral expenses, which exceeded the value of the decedent's only asset, a small checking account. The probate court granted the application and awarded the funds to John. Michael later claimed he was the decedent's adopted son and argued he was denied notice and that the will contained incorrect information, seeking to vacate the judgment under Civ.R. 60(B). The appellate court affirmed, finding Michael's challenges to the original summary administration order were untimely because he failed to appeal within 30 days. The court also held that Michael failed to show a meritorious claim for Civ.R. 60(B) relief because the requirements for summary administration were met regardless of whether he was an heir, and John was entitled to the estate funds because he paid the funeral expenses. The probate court's judgment was therefore affirmed.	Montgomery	6/24/2026
In re A.W.	2025 CA 00180 2025 CA 00181 2025 CA 00182 2025 CA 00183	Appeal from the Court of Common Pleas of Stark County , Family Court Division, Case Nos. 2024 JCV 01267 2024 JCV 00196 2024 JCV 00197 2024 JCV 00198	Affirmed	The trial court properly awarded permanent custody of mother's four children to a county children's services agency. Appellant Eboni G. appealed the Stark County Family Court's decision granting permanent custody of her four children, A.W., M.W., Z.W., and J.W., to Stark County Job & Family Services. The children were removed from Eboni's care after concerns arose regarding unsafe living conditions, suspected abuse, and Eboni's failure to complete required case-plan services. The three older children were initially removed after evidence of burns and possible mistreatment, while the youngest child was later removed after Eboni returned to Ohio and lived in a home with a registered sex offender. Although Eboni eventually resumed contact with the Agency, obtained housing and employment, and participated in some services, she repeatedly failed to complete her required parenting evaluation, did not consistently engage in counseling, and struggled with demonstrating safe parenting skills. The trial court found that the children could not be returned to Eboni within a reasonable time and that permanent custody with the Agency was in their best interests due to their need for stability, their bonds with current caregivers, and Eboni's lack of substantial progress. The appellate court affirmed, holding that clear and convincing evidence supported the trial court's findings and that terminating Eboni's parental rights was appropriate.	Gormley	6/24/2026
State v. Worden	CT2025-0083 CT2025-0084	Appeal from the Muskingum County Court of Common Pleas, Case Nos. CR2024-0804 & CR2025-0120	Affirmed	Sentencing; Consecutive sentences Defendant-Appellant Lovely Worden appealed her convictions and sentence from the Muskingum County Court of Common Pleas, arguing the trial court improperly imposed consecutive sentences. The case arose from two separate incidents: in July 2024, Worden was found responsible for possession of methamphetamine after drugs, a scale, and cash were discovered under the passenger seat of a vehicle she had been in; in December 2024, she participated in an armed attempt to confront a man she believed had assaulted her daughter, which resulted in an innocent victim being shot and seriously injured. Worden entered guilty pleas to possession of methamphetamine, attempted aggravated burglary, conspiracy to commit murder, and felonious assault with a firearm specification, while other charges were dismissed. The trial court imposed an aggregate sentence of 21.5 to 25 years in prison, including consecutive sentences. On appeal, Worden claimed the consecutive sentencing findings under R.C. 2929.14(C)(4) were unsupported by the record. The appellate court disagreed, finding the trial court properly made the required statutory findings and that the record supported them, noting the seriousness of Worden's conduct, the harm caused to an innocent victim, and the need to protect the public. The court held there was no plain error and affirmed the trial court's judgment.	King	6/26/2026
In re J.S.	25 CAF 12 0113	Appeal from the Delaware County Court of Common Pleas, Juvenile Division, Case No. 2510-0516-TR	Affirmed	Marsy's law; Failure to notify victim of dismissal; No transcript The State of Ohio appealed the Delaware County Common Pleas Court, Juvenile Division's dismissal of a charge against J.S. for leaving the scene of an accident, arguing the trial court violated Marsy's Law by failing to notify the victim before placing J.S. into a traffic diversion program and dismissing the charge. The appellate court affirmed the dismissal, finding the State failed to provide a sufficient record showing that the trial court was required to provide notice or that notice was not given. Because there was no transcript or alternative record of the proceedings, the court presumed the trial court proceedings were valid. Additionally, the court held that even if the notification requirement under R.C. 2930.06 was violated, the statute specifically provides that failure to notify a victim does not invalidate a diversion agreement or dismissal of charges. Therefore, the State's assignment of error was overruled, and the judgment dismissing the charge against J.S. was affirmed.	Montgomery	6/26/2026



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Webb v. Morning View Delaware, Inc.	25 CAE 11 0107	Appeal from the Delaware County Court of Common Pleas, Case No. 24-CV-G-07-0697	Reversed and Remanded	Statutory Construction - Remedial Statute is to be Liberally Construed - Interpretation and Analysis of R.C. 2305.113 and Notice Provision Plaintiff-Appellant Phillip Webb appealed the Delaware County Common Pleas Court's grant of summary judgment in favor of Country View of Sunbury and related defendants in a wrongful death and negligence action arising from the care of Roxie Webb, who was a resident at the nursing facility before her death. The trial court dismissed the claims, finding they were medical claims subject to the one-year statute of limitations under R.C. 2305.113 and that Webb's notice-of-claim letters did not properly extend the limitations period. On appeal, Webb argued the trial court erred by finding the 180-day extension period began only when defendants received the notice letters and by applying the one-year medical claim limitation period to the wrongful death claim. The appellate court agreed, holding that the 2019 amendment to R.C. 2305.113 changed the law so that the 180-day notice extension becomes effective when the notice is sent by certified mail, return receipt requested, rather than when it is received. The court further held that the wrongful death claim was also improperly dismissed based on the statute of limitations. Accordingly, the appellate court sustained both assignments of error, reversed the trial court's judgment, and remanded the case for further proceedings.	Hoffman	6/26/2026
In re I.F.	2025CA00041	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2023 JCV 01483	Affirmed	Permanent custody J.B., the biological mother of minor child I.F., appealed the Stark County Family Court's decision granting permanent custody of I.F. to Stark County Job & Family Services (JFS). The case began after JFS filed a complaint alleging abuse, neglect, and dependency due to concerns regarding J.B.'s history with children services and allegations that she and her partner physically abused I.F. and his siblings. After I.F. was removed from the home, J.B. participated in some case plan services but failed to complete required parenting classes, struggled with substance abuse issues, and made minimal progress in mental health treatment. Evidence showed that the children had suffered serious injuries from repeated physical punishment, and evaluations raised concerns about J.B.'s emotional regulation, substance use, and ability to safely parent. The trial court found that I.F. had been in JFS custody for more than 12 months of a 22-month period, that J.B. had failed to remedy the conditions leading to removal, and that permanent custody was in I.F.'s best interest. On appeal, J.B. argued the evidence did not support the permanent custody award, but the appellate court disagreed, finding clear and convincing evidence supported the trial court's findings and affirming the grant of permanent custody to JFS.	Baldwin	6/26/2026