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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 L.H.	2026CA00084	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2024JCV00733	Affirmed	Permanent custody The appellant, J.H., appealed the Stark County Court of Common Pleas, Family Court Division's decision granting permanent custody of his children, A.H. and L.H., to the Stark County Department of Jobs & Family Services (JFS), arguing that permanent custody was not in the children's best interests. JFS had been involved with the family because of the parents' substance abuse, and although the children were previously returned to their parents, they were removed again in July 2024 after evidence showed continued drug use and concerns about the father's ability to protect and safely care for them. Despite case-plan services addressing substance abuse, mental health, parenting skills, employment, and housing, J.H. continued testing positive for illegal substances, failed to complete required drug screenings, lost his home to foreclosure, struggled with employment, and did not successfully complete all recommended services. At the permanent-custody hearing, evidence showed that the children had been in JFS custody for more than 12 of the previous 22 months, were thriving and bonded with their foster family, and that the foster parents wished to adopt them. The GAL also recommended permanent custody to JFS. The appellate court held that clear and convincing evidence supported the trial court's findings that J.H. had failed to substantially remedy the conditions leading to the children's removal and that they could not be safely returned to him within a reasonable time. The court further concluded that the benefits of providing the children with a stable, permanent home outweighed the potential harm from severing their parental relationship. Accordingly, the court overruled J.H.'s sole assignment of error and affirmed the award of permanent custody to JFS.	Baldwin	9/21/2026
In re A.H.	2026CA00083	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2024JCV00732	Affirmed	Permanent custody J.H., the biological father of A.H. and L.H., appealed the Stark County Court of Common Pleas' decision awarding permanent custody of the children to Stark County Department of Jobs & Family Services (JFS), arguing that permanent custody was not in their best interests. The children had previously been removed because of their parents' substance abuse, and although J.H. participated in various case-plan services, he continued to test positive for illegal drugs, failed to complete required drug screenings and parenting services, lost his home to foreclosure, and struggled with stable employment and housing. The trial court found that J.H. had failed to substantially remedy the conditions that led to the children's removal despite JFS's reasonable reunification efforts, and that the children had been in temporary custody for more than 12 of the previous 22 months. The evidence also showed that both children were thriving and bonded with their foster family, which wished to adopt them, while the GAL recommended permanent custody to JFS. The appellate court concluded that clear and convincing evidence supported the trial court's findings that the children could not safely be returned to J.H. within a reasonable time and that permanent custody was in their best interests. The court therefore overruled J.H.'s sole assignment of error and affirmed the award of permanent custody to JFS.	Baldwin	9/21/2026
State v. Wilson	2026CA00013 2026CA00014	Appeal from the Stark County Court of Common Pleas, Case Nos. 2023CR1604 2023CR2344	Affirmed	Crim.R. 11 Jarius Wilson appealed his convictions in the Stark County Court of Common Pleas, arguing that his guilty pleas were not knowing, intelligent, and voluntary because the trial court incorrectly advised him about the Earned Reduction of Minimum Prison Term (ERMPT). Wilson had pleaded guilty to multiple drug offenses and received an aggregate indefinite prison sentence of four to six years. During the plea hearing, the trial court discussed the possibility of earning a reduction of his minimum sentence through good conduct, although ERMPT is not a required advisement under Crim.R. 11. The appellate court held that any inaccurate ERMPT advisement constituted, at most, partial compliance with the rule and required Wilson to demonstrate prejudice. Because Wilson did not claim that he would have rejected the plea and gone to trial had he received different information, and because his written plea forms expressly acknowledged the mandatory prison terms and limited availability of earned credit, the court found no evidence that the advisement affected his decision to plead guilty. The court further determined that Wilson otherwise understood the charges, penalties, and constitutional rights he was waiving, and therefore failed to establish plain error. The court overruled his sole assignment of error and affirmed the trial court's judgment.	Baldwin	9/21/2026



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Watson Horse Farms, L.L.C. v. Avena	2026-CA-00039	Appeal from the Licking County Court of Common Pleas, Case No. 2025-CV-01491	Affirmed	Uniform Public Expression Protection Act ("UPEPA"), Ohio Revised Code Chapter 2747 Taniya Avena appealed the Licking County Court of Common Pleas' denial in part and grant in part of her motion for expedited relief under Ohio's Uniform Public Expression Protection Act (UPEPA) in a defamation action brought by Aria and Bill Watson and Watson Horse Farms. The dispute arose from Avena's Facebook statement that sex offender William Sheets' registered work location was Watson Horse Farms, when the evidence showed Sheets worked for a separate business at the same address and had never worked at or visited the horse farm. The trial court dismissed the Watsons' intentional infliction of emotional distress claim but allowed their defamation claim to proceed, finding they had established a prima facie case of falsity, fault, and damages. The appellate court affirmed, holding that the trial court properly applied UPEPA and could consider evidence from the preliminary-injunction hearing; that a reasonable reader could understand Avena's statement to mean Sheets worked specifically for Watson Horse Farms, making falsity a genuine issue; and that the substantial-truth defense could not be resolved at this early stage. The court also found sufficient evidence of special damages because two long-term horse-boarders left the farm after the Facebook posts, and sufficient evidence of fault because Avena did not attempt to verify whether Sheets actually worked for Watson Horse Farms before publishing the statement. Accordingly, all four assignments of error were overruled and the trial court's judgment was affirmed.	Popham	9/21/2026
State v. Anderson	25CA000023	Appeal from the Knox County Court of Common Pleas, Case No. 24-CR06-0120	Affirmed	Felonious Assault Michael Kevin Anderson appealed his Knox County conviction for felonious assault following a jury trial, arguing that the trial court violated his right to compulsory process by refusing to enforce a subpoena for a juvenile eyewitness and that his conviction was against the manifest weight of the evidence. The appellate court affirmed, finding that Anderson failed to make a plausible showing that the absent witness, B.M., would have provided material and favorable testimony that was not cumulative of evidence already presented, particularly because another juvenile witness who observed the incident with B.M. gave substantially similar testimony. The court also rejected Anderson's self-defense argument, noting that although evidence supported his claim that K.H. approached and struck or pushed him first, the jury could reasonably find either that Anderson was at fault in creating the confrontation or that he used more force than reasonably necessary when he struck K.H. in the face, causing multiple facial fractures requiring surgery and resulting in permanent injuries. Because the jury was entitled to resolve the conflicting testimony and the evidence did not weigh heavily against the conviction, the court overruled both assignments of error and affirmed Anderson's felonious assault conviction.	Popham	9/21/2026
Peirsol v. Haumschild	26 CAE 01 0001	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CVH 03 0827	Affirmed	Sale of land; Summary judgment; Fraud; Unjust enrichment; Promissory estoppel; Tortious interference with contract Plaintiff-appellant Debra Peirsol appealed the Delaware County Common Pleas Court's summary judgment dismissing her claims for fraudulent inducement, fraudulent nondisclosure, unjust enrichment, and promissory estoppel arising from her sale of approximately 11 acres of family property to Kristen Haumschild and David Johnson, while the buyers cross-appealed the dismissal of their tortious-interference counterclaims. Peirsol argued that the buyers had promised to build a home, maintain the property as agricultural land, and preserve the parcel as a single tract, and that they fraudulently failed to disclose that they had terminated their construction contract before closing. The appellate court affirmed, finding that Peirsol identified no specific misrepresentation by the buyers and that her expectations were based on her own "concept" for the property rather than an agreement incorporated into the written purchase contract, which contained an integration clause and contemplated the possibility of selling all or part of the property. The court also held that the buyers had no duty to disclose termination of the construction contract because there was no fiduciary or special relationship, and Peirsol already knew of the dispute between the buyers and her niece and nephew before closing. Because the written contract governed the transaction, her unjust-enrichment and promissory-estoppel claims were likewise barred. As to the cross-appeal, the court held that the buyers' February 2024 notice did not properly trigger the niece and nephew's right of first refusal because it was not tied to specific sales contracts, and the ten-day refusal period was still pending when Peirsol filed suit and recorded the lis pendens; additionally, there was no evidence that Peirsol had actual knowledge of the specific third-party sales contracts. Accordingly, the court overruled all assignments of error and affirmed the trial court's judgment in full.	Montgomery	9/21/2026



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State v. Styers	CT2026-0034	Appeal from the Muskingum County Court of Common Pleas, Case No. CT2026-0036	Affirmed	No abuse of discretion to deny motion to withdraw guilty plea made immediately after learning sentence Defendant-appellant Keith Styers appealed his conviction and eight-month prison sentence for fifth-degree-felony aggravated possession of drugs, arguing that the trial court erred by failing to hold a hearing on his request to withdraw his guilty plea. Styers initially pleaded not guilty but later changed his plea to guilty and waived a presentence investigation so he could be sentenced immediately. After the trial court imposed an eight-month prison term, Styers orally stated that he wanted to withdraw his plea because he did not want the eight-month sentence; however, neither he nor his attorney filed a written motion to withdraw the plea. The Fifth District Court of Appeals treated his request as a post-sentence motion under Crim.R. 32.1, which requires a defendant to demonstrate a "manifest injustice" before a plea may be withdrawn after sentencing and does not automatically require an evidentiary hearing. The appellate court concluded that the hearing transcript showed Styers simply had a change of heart after learning his sentence and that he failed to establish any manifest injustice. Accordingly, the trial court did not abuse its discretion by denying his oral request without a hearing, and the court affirmed his conviction and sentence.	Hoffman	9/23/2026
In re J.A.	2026 CA 00092 2026 CA 00093	Appeal from the Court of Common Pleas of Stark County , Family Court Division, Case Nos. 2024 JCV 01266 2024 JCV 01268	Affirmed	The trial court properly awarded permanent custody of mother's two children to a county children's services agency. The mother of two minor children, J.A. and L.B., appealed the Stark County Family Court's decision granting permanent custody of the children to Stark County Job & Family Services, arguing that the court erred in finding permanent custody was in their best interests. The children were removed from Mother's care in October 2024 after allegations of sexual abuse and concerns about Mother's mental health, substance use, unsafe relationships, discipline, and the children's educational and medical needs. Although Mother was provided a case plan requiring counseling, parenting classes, sobriety, and other services, she tested positive for cocaine six times, stopped taking her mental-health medication, entered another abusive relationship, missed parenting classes, and had two separate periods of more than 90 days without visiting the children. The appellate court found that the statutory requirements for permanent custody were satisfied because the children had been in the Agency's temporary custody for more than 12 months of a consecutive 22-month period and Mother's lack of contact supported a finding of abandonment. The court further concluded that clear and convincing evidence established that permanent custody was in the children's best interests because they were bonded with each other and their foster family, were receiving needed medical, educational, and developmental services, and had greater stability and security in foster care, while Mother had not demonstrated that she could provide a safe and stable home. Accordingly, the court overruled Mother's sole assignment of error and affirmed the judgment granting permanent custody to the Agency.	Gormley	9/23/2026
State v. Shank	2025CA00114	Appeal from the Stark County Court of Common Pleas, Case No. 2025CR0641	Affirmed	Manifest weight/sufficiency, self-defense, ineffective assistance of counsel, and jury instruction Defendant-appellant Samuel Shank appealed his convictions and 29-years-to-life sentence following a March 2025 shooting at the Old Landmark Tavern in Canton, where he shot and killed 76-year-old Phil and held several patrons at gunpoint. A jury convicted Shank of felony murder, three counts of felonious assault, and four counts of abduction, rejecting his claim that he acted in self-defense. On appeal, Shank argued that the evidence was insufficient to support the abduction convictions, that his felony-murder conviction was against the manifest weight of the evidence because the State failed to disprove self-defense, that he received ineffective assistance of counsel, and that the trial court should have instructed the jury on involuntary manslaughter and aggravated assault. The Fifth District Court of Appeals rejected all four arguments, finding that Shank's threats and use of a firearm supported the abduction convictions and that the evidence showed he initiated the confrontation, escalated the situation, and used deadly force despite not facing a reasonable threat of death or serious bodily harm. The court also concluded that counsel's decisions regarding jury instructions and the admission of evidence concerning the victim's peaceful character were permissible trial strategy and that Shank was not entitled to the requested instructions. Accordingly, the court overruled all assignments of error and affirmed the trial court's judgment.	King	9/23/2026
State v. Daniels	2025-CA-00142	Appeal from Stark County's Canton Municipal Court, Case No. 2025 CRB 01127	Affirmed	Sufficiency/Weight of Evidence Defendant-appellant De-Shawney Daniels appealed her convictions in the Canton Municipal Court for two counts of child endangering arising from injuries sustained by an eight-year-old child with cerebral palsy while in Daniels's respite care. The child entered Daniels's care without apparent injuries but returned four days later with extensive bruising or skin injuries and a fractured leg. Daniels argued that the State presented insufficient evidence that she acted recklessly and that her convictions were against the manifest weight of the evidence. The appellate court rejected both arguments, finding that Daniels had assumed a duty to provide appropriate care for the medically fragile child and that the evidence allowed the jury to conclude that she failed to provide adequate hygiene, monitoring, and physical care, thereby creating a substantial risk to the child's health and causing physical injury. Although the defense presented expert testimony that one injury was a seat-belt burn and offered alternative explanations for the fracture, the court held that the jury was entitled to resolve the conflicting expert testimony and credit the State's evidence. Because a rational jury could find the elements of both offenses proven beyond a reasonable doubt and the evidence did not demonstrate that the jury clearly lost its way, the court overruled both assignments of error and affirmed Daniels's convictions.	Popham	9/23/2026



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State v. Neagos	2026 CA 00017	Appeal from the Licking County Court of Common Pleas, Case No. 24-CR-00575	Affirmed	Conviction for murder was not based upon insufficient evidence and was not against the manifest weight of the evidence - Evidence sufficient to establish Appellant acted with requisite mental state of "purposely" and jury did not clearly lose its way April Neagos appealed her conviction and sentence for murder following a jury trial in the Licking County Court of Common Pleas, arguing the conviction was not supported by sufficient evidence and was against the manifest weight of the evidence because the State failed to prove she purposely caused her father's death. The evidence showed that on August 10, 2024, Neagos repeatedly retrieved a knife during an altercation with her 75-year-old father, ultimately stabbing him 16 times in the chest and neck, including wounds that penetrated his heart and lungs. Home-security video captured the incident, including Neagos responding "Yeap!" when her father asked if she was going to kill him, and she later told a deputy, "I stabbed him quite a few times." Although Neagos underwent multiple competency and mental-health evaluations, the evaluations generally concluded she was competent to stand trial and understood the wrongfulness of her actions at the time of the offense. The appellate court held that the number and severity of the stab wounds, the manner in which they were inflicted, the video evidence, and Neagos's statements provided sufficient evidence from which the jury could infer a purposeful intent to kill. The court also found that the jury did not clearly lose its way in evaluating the evidence, and therefore her conviction was neither insufficiently supported nor against the manifest weight of the evidence. The sole assignment of error was overruled, and the judgment of the trial court was affirmed.	Hoffman	9/23/2026
State v. Love	2026CA0004	Appeal from the Coshocton County Court of Common Pleas, Case No. 24 CR 0078	Appeal Dismissed	Negotiated Plea; Jointly Recommended Sentence Walter C. Love, Jr. appealed his conviction and sentence from the Coshocton County Court of Common Pleas after pleading guilty to felony strangulation arising from a May 27, 2024 domestic-violence incident involving his live-in girlfriend, E.C. According to the victim, Love became angry during an argument, grabbed her by the throat with both hands and strangled her until she could not breathe, causing bruising, difficulty swallowing, dizziness, and other injuries. Love was initially indicted for fifth-degree felony strangulation, later charged with fourth-degree felony strangulation with a family-or-household-member specification, and ultimately pleaded guilty to the amended fifth-degree felony charge pursuant to a negotiated agreement. The parties jointly recommended a 14-month prison sentence, which the trial court imposed after hearing from the parties and the victim. On appeal, Love argued that the trial court failed to comply with Ohio's felony-sentencing statutes, particularly R.C. 2929.11 and 2929.12. The appellate court rejected the argument, explaining that under R.C. 2953.08(D)(1), a jointly recommended sentence that is authorized by law is generally not subject to appellate review. Because the 14-month sentence fell within the applicable statutory range and complied with mandatory sentencing provisions, the court concluded the sentence was authorized by law and dismissed the appeal.	Hoffman	9/23/2026
In re K.N.	2026 CA 00096	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case No. 2026JCV00117	Affirmed	Permanent Custody Father appealed the April 17, 2026 judgment of the Stark County Court of Common Pleas, Juvenile Division, granting permanent custody of his son, K.N., Jr., to Stark County Job and Family Services (SCJFS). The child was born extremely prematurely at 1.6 pounds, and the evidence showed that both parents had extensive histories of substance abuse, failed case-plan services, domestic violence, and prior loss of parental rights involving their other children. Father was incarcerated for a probation violation related to a vehicular homicide conviction, had previously relapsed after completing drug-treatment programs, failed to complete his prior case plan, and planned to return to an unsafe home with Mother after his release. The child remained in the NICU with significant medical needs, had no bond with Father because of his incarceration, while prospective foster parents—who also cared for the child's sibling—were visiting him. Although Father argued he should have additional time to complete services while the child remained hospitalized, the caseworker testified that neither parent could safely meet the child's needs and that delaying permanency was not in the child's best interest. The appellate court held that the trial court properly applied R.C. 2151.414, including Father's prior involuntary termination of parental rights and the statutory best-interest factors, and that clear and convincing evidence supported permanent custody to SCJFS. Finding that the trial court did not lose its way or create a manifest miscarriage of justice, the court overruled Father's assignment of error and affirmed the judgment	Popham	9/24/2026



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Huth v. Burns	2026CA00044	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CV 2251	Affirmed in part; Reversed in part	Summary judgment Huth, Whitney Harris, and Juicy X3, LLC appealed the Stark County Court of Common Pleas' grant of summary judgment to Roland Burns, Convst, LLC, and Trevor Rice in a dispute arising from the attempted purchase of Bolivar Spirits and its Canal Street property. The appellants claimed they formed a joint venture with Burns, contributed approximately \$109,000 toward the purchase, and that Huth was intended to have an ownership interest in Convst, which held title to the property. The trial court found insufficient evidence of a partnership or joint venture and granted summary judgment to the defendants. On appeal, the court held that genuine issues of material fact existed regarding Convst's ownership because the engagement letter, Burns's text response that Huth was "Both" a member of Convst, the substantial payments made by the appellants, and conflicting testimony created competing reasonable inferences that could not be resolved on summary judgment. The appellate court also found that the trial court improperly rejected the appellants' unjust-enrichment claim because the evidence created a factual dispute over whether Burns received and retained approximately \$109,000 for the property purchase under circumstances that could make retention unjust. However, the court found no evidence connecting Rice to the alleged scheme and affirmed summary judgment in his favor. Accordingly, the court affirmed the judgment as to Rice, reversed it as to Burns and Convst on the ownership and unjust-enrichment issues, and remanded the case for further proceedings.	Baldwin	9/24/2026