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Ohio Fifth District Court of Appeals Case Summaries

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Criminal	STATE VS. JASON GORDON	Case No. 2024 AP 06 0021	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2022 CR 03 0059	Affirmed	Ineffective assistance; sufficiency; manifest weight Gordon was charged with three counts of rape and three counts of gross sexual imposition. The state presented testimony from seven witnesses; two police investigators, all three victims, one victim's mother, and a forensic interviewer. Jurors viewed the two recorded interviews conducted by law enforcement with Gordon wherein Gordon admitted to sexual contact with each victim. The victims each testified sexual conduct and contact took place. Gordon testified in his own defense. He admitted to sexual contact with each victim but denied sexual conduct. Gordon was subsequently sentenced to an aggregate total of 55 years to life and was classified as a Tier III sex offender. Gordon claimed the trial court failed to properly address a breakdown in his relationship with his attorney and that he received ineffective assistance of counsel. However, the court noted Gordon raised no concerns about his attorney until just before trial, despite having ample opportunity during pretrial proceedings. Gordon also chose to testify against his attorney's advice and never claimed he was pressured into confessing to law enforcement. The court found the third interview issue was fully examined and that Gordon suffered no prejudice. Additionally, the court emphasized that the evidence against him was overwhelming. The jury viewed two interviews that Gordon voluntarily participated in and wherein he admitted he engaged in sexual contact with the victims. The jury further learned Gordon was initially contacted by law enforcement regarding the allegations of only one victim. But it was Gordon who advised law enforcement of two more victims. Gordon then took the stand in his own defense and again confessed to sexual contact with all three victims. Each victim testified to specific instances of sexual conduct. Gordon argues his rape convictions are not supported by sufficient evidence and are against the weight of the evidence. Gordon concedes that each woman testified he had engaged in sexual conduct with them including digital penetration and cunnilingus when they were under 10 years of age. The victims explained their recollection or delayed disclosures. The state produced sufficient evidence to support Gordon's convictions.	King, J.	4/7/2025
Criminal	STATE VS. CHARLES SHANNON	Case No. 24CA000020	Appeal from the Knox County Court of Common Pleas, Case No. 23CR12-0299	Affirmed	Search warrant affidavitand probable cause Shannon was indicted on multiple charges, including two counts of having weapons while under disability, one count of aggravated drug possession, and one count of possessing criminal tools. He was sentenced to 30 months in prison for one of the weapons charges, and the weapons were ordered forfeited to the Knox County Sheriff. Shannon argued that the judge should have suppressed evidence because the search warrant affidavit was based on reasonable suspicion rather than probable cause. However, the court found that, considering the totality of the circumstances—including independent corroboration by the Detective and a positive alert by a drug-sniffing dog—there was a substantial basis to conclude that probable cause existed for the search warrant.	Popham, J.	4/7/2025
Criminal	STATE VS. KEYLE D. ANDERSON (J.A.S., ET AL.)	Case Nos. CT2024-0067 & CT2024-0070	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0110	Reversed and Remanded	Victim; right to be heard; Marsy's law; R.C. 2930.14; R.C. 2930.19; directly and proximately harmed The appellate court found that even if the trial court violated the relatives' right to be heard under R.C. 2930.14, such a violation does not justify reopening the sentencing. The court overruled that assignment of error. It also found that two relatives, M.A. and C.A.J., chose to have their statements read by the prosecutor rather than speak directly, so their constitutional rights under Ohio Const., art. I, § 10a(A)(3) were not violated. However, the court concluded that the trial court wrongly denied the victim status and corresponding rights of the other relatives who suffered emotional harm due to the decedent's death. As a result, the appellate court found the trial court's decision to be unreasonable and an abuse of discretion. It sustained those relatives' and the State's assignments of error regarding the denial of constitutional rights and remanded the case for resentencing.	Hess, J.	4/7/2025
Criminal	STATE VS. ANTONIO CANNADA, SR.	Case No. CT2024-0097	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0287	Affirmed	Anders The appellate court considered a potential error raised by appellate counsel regarding the trial court's acceptance of the appellant's guilty pleas and sentencing. After reviewing the case record and transcripts, counsel found no non-frivolous issues for appeal and filed an Anders brief, confirming that the brief and transcripts were sent to the appellant. Although the appellant claimed he did not receive the brief, his reference to the transcript suggests otherwise. The court's judicial staff attorney and a three-judge panel also independently reviewed the case and found no arguable issues. Since five legal professionals agreed that no valid claims exist, the appellant's request for a new appellate attorney was denied.	Baldwin, P.J.	4/4/2025

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Criminal	STATE VS. DONALD GLENN	Case No. 24CA000035	Appeal from the Guernsey County Court of Common Pleas, Case No. 9729	Affirmed	Petition for post-conviction relief Glenn argued the trial court wrongly denied his post-conviction relief petition without a hearing. While Glenn claimed he did not know about this relief, the Court of Appeals affirmed the denial of his 2008 motion to vacate sentence in 2009, analyzing it under post-conviction relief procedures. Therefore, Glenn should have been aware of this option over fifteen years before filing his current petition. As a result, the Court of Appeals affirmed the trial court's decision.	Baldwin, P.J.	4/3/2025
Criminal	STATE VS. MARCUS L. SHINAL	Case No. 24 CAA 09 0057	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 01 0007	Affirmed	Anders The appellate counsel argued that the trial court erred in accepting the appellant's guilty plea and in sentencing him. However, the court found that the trial court fully complied with Crim.R. 11 by thoroughly informing the appellant of his rights, potential penalties, and confirming his understanding of the plea. The court determined the guilty plea was made knowingly, voluntarily, and intelligently. Therefore, no valid grounds for appeal exist, and the appeal is deemed wholly frivolous under Anders.	Baldwin, P.J.	4/8/2025
Criminal	STATE VS. KAMERON SKALLY	Case No. 2024 CA 00082	Appeal from the Licking County Court of Common Pleas, Case No. 2018-CR00830	Affirmed	Aggravated murder; motion to withdraw guilty plea; Res judicata The appellant was convicted of aggravated murder, murder, and tampering with evidence, receiving a sentence of twenty-eight years to life. He challenged the trial court's denial of his motion to withdraw his guilty plea, arguing the sentence was unauthorized, he wasn't informed of the maximum penalty, and his counsel was ineffective. The court found these claims could have been raised on direct appeal and were thus barred by res judicata, affirming the trial court's decision.	Hoffman, P.J.	4/10/2025
Criminal	STATE VS. DUSTAN MCDEW	Case No. CT2024-0132	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0345	Affirmed	Consecutive sentences McDew was indicted on sixteen counts, including tampering with evidence, telecommunications fraud, falsification in a theft offense, and having weapons while under disability. He pled guilty to eight charges as part of a negotiated plea agreement and was sentenced to an aggregate fourteen-year prison term, with several counts ordered to run consecutively. McDew argued that the trial court erred in imposing consecutive sentences, claiming the offenses arose from a single course of conduct and that the harm was not so great or unusual as to warrant consecutive terms. However, the court found that McDew committed the offenses while awaiting sentencing in a prior case and had a criminal history demonstrating the need for consecutive sentences to protect the public. The Fifth District Court of Appeals held that the trial court made the required statutory findings and that the sentence was supported by the record and not contrary to law.	Popham, J.	4/9/2025
Criminal	STATE VS. LAMAR SHULL	Case No. 24CA000028	Appeal from the Guernsey County Common Pleas Court, Case No. 24CR0076	Affirmed	Sentencing; consecutive sentences; findings on the record to impose consecutive terms; sentencing entry Shull appealed his 72-month prison sentence (four consecutive 18-month terms for Gross Sexual Imposition) arguing the trial court failed to explicitly state during the sentencing hearing that the consecutive sentences were not disproportionate to the seriousness of the crimes and the danger he poses to the public. The appellate court rejected this argument, finding that although the trial court did not use the exact statutory language, the record shows it conducted the proper analysis and made the necessary findings. The court considered the full record—including victim impact statements, a presentence investigation, medical reports, and arguments from counsel—and highlighted the seriousness of Shull's conduct, his prior offenses, lack of remorse, and the significant harm to the young victims. The appellate court affirmed the sentence, concluding it was not contrary to law.	Montgomery, J.	4/10/2025
Criminal	STATE VS. JOSEPH DOERING	Case No. 24-COA-025	Appeal from the Ashland County Common Pleas Court, Case No. 23CRI278	Affirmed	Unreasonable search and seizure; Miranda rights; Post-miranda; Reasonable and articulable suspicion; Fourth Amendment; harmless error Doering was indicted for aggravated possession of drugs after police found meth in his car during an early-morning encounter at a gas station. He moved to suppress his statements and the evidence, arguing that officers unlawfully extended the stop and questioned him without Miranda warnings. The trial court denied the motion, finding that the encounter lawfully escalated from consensual to investigative based on Doering's behavior, and that the officers acted reasonably under the circumstances. The Fifth District affirmed, holding that the officers had reasonable suspicion to detain Doering and that any Miranda issue was harmless since Doering repeated his admissions after being properly warned.	Montgomery, J.	4/10/2025

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Civil	SCOTT WATTERS, ET AL. VS. ERIN MORROW, AT AL.	Case No. 2024 CA 00049	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CV 00160	Dismissed	Final appealable order Appellants Scott Watters and Powers, LLC, appealed the decision granting Appellee Erin Morrow’s motion to dismiss. Upon review, the Court of Appeals determined that the judgment addressed only Erin Morrow’s matter and was resolved, leaving claims against Elm, a separate legal entity in the amended complaint, still pending. Because the entry lacked the necessary language under Civil Rule 54(B), it was not a final appealable order. As a result, the Court of Appeals dismissed the appeal for lack of jurisdiction.	Popham, J.	4/7/2025
Juvenile	IN RE: A.G., K.C., A.C., Z.G., I.G., A.G., C.G.	Case Nos. CT2024-0103 CT2024-0104 CT2024-0105 CT2024-0106 CT2024-0107 CT2024-0108 CT2024-0109	Appeal from the Muskingum County Court of Common Pleas, Juvenile Division, Case Nos. 22430060, 22430061, 22430062, 22430063, 22430064, 22430065, 22430066	Affirmed	Dependancy finding was supported by suffivient evidence and was not against the manifest weight of the evidence; mother not deprived of a fair hearing. Appellant-mother argued that the trial court's judgment was unsupported by evidence and contrary to law. She claimed the state failed to prove her seven children were dependent, but the Court of Appeals found sufficient evidence, especially considering the children's behavioral issues and their improvement in the Agency’s care. The mother did not complete her case plan, which included addressing substance abuse, mental health, and her children's behavioral issues. All school-aged children had behavioral problems, and the two eldest, A.G. and K.C., had been arrested for delinquency issues.	Gormley, J.	4/3/2025
Domestic Relations	JOLENE M. ENGELS TURNER VS. JORDAN A. BURKS	Case No. 2024 CA 00099	Appeal from the Licking County Court of Common Pleas, Domestic Relations Division, Case No. 2024 DR 00188 DP	Dismissed	Appellate Rule 16; Appellate Rule 18 Jordan Burks appealed the judgment entry from the Licking County Court of Common Pleas, filing his brief pro se. However, because the presentation was disjointed and difficult to follow, and the brief didn't conform to the requirements of App.R. 16, his appeal was dismissed in accordance with App.R. 18(C).	Baldwin, P.J.	4/3/2025