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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 G.S.	2025 CA 00025, 2025 CA 00026	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case Nos. F2025-0016 and F2025-0017	Affirmed	Permanent custody Appellant L.S., the biological mother of G.S. and D.S., appealed the decision granting permanent custody of the children to LCJFS. Because she failed to object to the Magistrate's Decision, she waived all but plain error review, and she presented no valid plain error argument. Nonetheless, the court considered the record given the seriousness of terminating parental rights. Testimony from the caseworker, GAL, and maternal aunt showed that the children's father had no involvement, L.S. would remain incarcerated until at least 2027, and the children needed a stable, safe environment, which they had in foster care. The GAL further testified that permanent custody was in the children's best interest. The court found clear and convincing evidence supported the custody award and concluded L.S.'s assignment of error lacked merit.	Baldwin	8/18/2025
T & R Properties v. Berlin Twp. Bd. of Zoning Appeals	2025 CAE 02 0011	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CVF 04 0437	Affirmed	Appellate review of administrative decision Appellants T & R Properties, Inc., Berlin Industrial, LLC, and Berlin Apartments, LLC sought to rezone two Berlin Township parcels for industrial warehousing and residential development, but their proposals were rejected by the Review Board, Zoning Commission, and ultimately the Township Trustees, except for a conditional approval of the Industrial Parcel that excluded NAICS code 493. On appeal, T&R raised multiple assignments of error, all of which were overruled. The court rejected T&R's claim that the trial court abused its discretion by refusing to expand the record, finding that the Notice of Appeal was not part of the transcript under R.C. 2505.04 and that T&R failed to complete its proffer of evidence. The court also found T&R misstated R.C. 2506.04 in arguing that the trial court was required to determine both arbitrariness and evidentiary sufficiency, when the statute is written in the alternative. T&R withdrew its third assignment of error, and its fourth claim—that the trial court erred in finding the BZA's decisions were not arbitrary, capricious, or unreasonable—failed because T&R showed no misapplication of law and appellate review does not permit reweighing of evidence. Finally, the court dismissed T&R's subject matter jurisdiction argument regarding BZA 23-007 as inadequately supported under App.R. 16(A)(7) and overruled it under App.R. 12(A)(2).	Montgomery	8/18/2025
Home Loan Savs. Bank v. Jehweh, L.L.C.	2024CA0011	Appeal from the Coshocton County Court of Common Pleas, Case No. 2023CR2192	Affirmed	Civil judgment; Cognovit judgments; Law of the case doctrine; Res judicata; Civil.R. 27 (B)(1); Civil.R. 41 (B)(1); Abuse of discretion Jahweh's four assignments of error are without merit and are hereby overruled.	Smith	8/18/2025
State v. Nikzad	2024CA00199	Appeal from the Stark County Municipal Court, Case No. 2024TRD6399	Reversed	Sufficiency of the evidence Nikzad appealed her conviction for speeding in a school zone, and the appellate court reversed the Massillon Municipal Court's judgment. The court found that the State failed to present sufficient evidence, noting that dash camera footage showed no posted signs defining a school zone as required under R.C. 4511.21(B)(1)(a). Because the record lacked proof that a school zone was in effect, Nikzad's conviction could not stand. Her first assignment of error was sustained, rendering the remaining assignments moot.	King	8/19/2025
State v. Reed	CT2025-0005	Appeal from the Muskingam County Court of Common Pleas, Case No. CR2024-0674	Affirmed	Mandatory fines Reed appealed her conviction and sentence after pleading guilty to aggravated trafficking in drugs and aggravated possession of drugs, both third-degree felonies, pursuant to a plea agreement. She was sentenced to an aggregate 48-month prison term, required to forfeit property and cash, and was ordered to pay a \$5,000 mandatory fine on the trafficking count while the fine on the possession count was waived. Reed argued the trial court abused its discretion by waiving one mandatory fine but imposing another despite her indigency. The appellate court rejected her argument, finding that indigence for appointed counsel does not automatically exempt a defendant from mandatory fines, and the record reflected Reed's present and future ability to make installment payments. Concluding that the trial court acted within its discretion and imposed only a fraction of the authorized fine, the appellate court affirmed Reed's conviction and sentence.	King	8/19/2025
State v. Gabriel	24-CA-00013	Appeal from the Perry County Municipal Court, Perry County, Ohio, Case No. TRD 2400959	Affirmed	Speeding; constitutional right to travel; driver's license; state's police power; protecting public The appellate court rejected the appellant's constitutional challenges to his speeding conviction. Addressing his first two assignments of error together, the court held that while there is a fundamental right to travel, it does not include a right to operate a motor vehicle, which is a privilege subject to reasonable state regulation for public safety. Ohio's licensing and traffic laws, including speed limits, are valid exercises of police power and apply equally to all motorists, regardless of whether they are engaged in commercial activity. The appellant's argument that traffic laws cannot apply to him was therefore without merit. In his third assignment of error, the appellant argued the State failed to prove "willfulness" as an element of speeding, but the court explained that R.C. 4511.21(D)(1) is a strict liability offense that requires no culpable mental state. Accordingly, all of the appellant's assignments of error were overruled.	Montgomery	8/19/2025



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State v. Mixon	CT2025-0021	Appeal from the Muskingum County Court of Common Pleas, Case No. CR20240680	Affirmed	Appellate review of felony sentencing Following the death of a thirteen-month-old child, Anthony W. Mixon, Jr. was indicted on charges of child endangering, involuntary manslaughter, and corrupting another with drugs. He pled guilty to child endangering and involuntary manslaughter, with the counts merged for sentencing, and also pled guilty to an unrelated assault charge in another case. The trial court sentenced him to an indefinite prison term of 10 to 15 years for involuntary manslaughter, plus a consecutive 12-month term for assault, for a total sentence of 11 to 16 years. As part of the plea agreement, the State dismissed the drug charge. On appeal, Mixon argued that his consecutive sentences were contrary to law and not the minimum necessary under Ohio's sentencing principles. The appellate court rejected his argument, finding that the trial court considered the relevant statutory factors, imposed a sentence within the statutory range, and properly justified consecutive sentences. The court therefore overruled Mixon's sole assignment of error and affirmed the trial court's judgment.		8/19/2025
Hazelwood Assn., Inc. v. Helfrich	24 CA 00095	Appeal from the Licking County Municipal Court, Case No. 08 CVI 02753	Affirmed	Doctrine of claim preclusion did not bar the enforcement of an earlier judgment; unrepresented party was not treated unfairly; trial court properly took judicial notice of its own docket and properly revived a dormant judgment Hazelwood Association's long-running financial dispute with James Helfrich began in 2008 when it sued to collect unpaid homeowners' dues, winning a 2009 judgment for \$778.38 plus interest, which this court affirmed in 2010. Hazelwood attempted garnishments in 2013-14, but those efforts failed, and the judgment became dormant in 2019. After a failed 2020 lawsuit, Hazelwood sought in 2024 to revive the dormant 2009 judgment. Helfrich opposed revival, arguing that the 2020 dismissal barred it, that the trial judge was biased, and that his payments marked "paid in full" satisfied the debt. The appellate court rejected all of Helfrich's arguments, holding that claim preclusion prevented relitigation but did not bar collection, that the judge acted without bias, and that no valid accord and satisfaction existed since Hazelwood never agreed to accept reduced payments. Because Hazelwood's 2013-14 garnishment efforts delayed dormancy until 2019, its 2024 motion to revive was timely, and Helfrich failed to prove payment or settlement. The trial court's decision to revive the 2009 judgment was affirmed, with Helfrich ordered to pay costs.	Montgomery Gormley	8/19/2025
State v. Needels	24 CAA 12 0107; 24 CAA 12 0108; 24 CAA 12 0109	Appeal from the Delaware County Court of Common Pleas, Case Nos. 19 CRI 090640, 20 CRI 030160, & 23 CRI 080488	Reversed and Remanded	Guilty Plea - Failure to Advise of Fine Defendant-appellant Ryan Needels appealed his convictions and sentences from the Delaware County Common Pleas Court after pleading guilty to engaging in a pattern of corrupt activity, telecommunications fraud, and twenty-one counts of grand theft stemming from a home improvement scam involving twenty-one victims and over \$496,000 in losses. He was sentenced to an aggregate prison term of seven and one-half to ten years, which included consecutive sentences for violations of community control sanctions in two earlier theft cases. On appeal, Needels argued his pleas were invalid because the trial court failed to inform him of the possibility of fines, a required component of the maximum penalty under Crim. R. 11. The appellate court agreed, finding the trial court had completely failed to advise him of this distinct sentencing component, making his pleas unknowing, unintelligent, and involuntary. As the community control violations were based on the invalid pleas, those judgments were also reversed. The appellate court vacated Needels's guilty pleas and remanded the case for further proceedings.	Hoffman	8/19/2025