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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. Edwards	25 CA 000010	Appeal from the Guernsey County Court of Common Pleas, Case No. 25CR000010	Affirmed	Reagan Tokes Notifications Defendant-Appellant James Edwards appealed the sentence imposed after his negotiated guilty plea in the Guernsey County Court of Common Pleas, arguing that the trial court failed to properly advise him of his rights under Ohio's Reagan Tokes Law. Edwards was indicted on five felony counts involving trafficking and possession of fentanyl-related compounds and tampering with evidence, and pursuant to a plea agreement pled guilty to two trafficking counts and tampering with evidence, with the remaining counts and an unrelated indictment dismissed. The parties jointly recommended consecutive sentences totaling an aggregate indefinite term of ten years minimum (six years mandatory) and a potential maximum of thirteen years, which the trial court imposed after conducting a combined plea and sentencing hearing. On appeal, Edwards claimed the court failed to give the mandatory Reagan Tokes notifications required by R.C. 2929.19(B)(2)(c). The appellate court disagreed, finding the record showed the trial judge thoroughly explained all five required advisements during the hearing, confirmed Edwards's understanding, and substantially complied with the statute. Because the sentence was not contrary to law, the court overruled Edwards's sole assignment of error and affirmed the judgment.	Popham	12/19/2025
State v. Crabtree	2025 CA 0018	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CR 0185	Affirmed	Sufficiency/Weight of Evidence Defendant-Appellant Christopher Crabtree appealed his fifth-degree felony conviction for aggravated possession of methamphetamine, arguing that the evidence was insufficient and that the verdict was against the manifest weight of the evidence. Crabtree was indicted after a January 2024 traffic stop in which officers observed a known drug trafficker fleeing from Crabtree's truck, discovered a glass meth pipe in the vehicle, and saw methamphetamine fall from Crabtree's hand as he emptied his pockets; Crabtree later admitted purchasing the drugs, which laboratory testing confirmed as 1.08 grams of methamphetamine. Following a jury trial, Crabtree was found guilty and sentenced to seven months in prison, consecutive to sentences in unrelated cases, along with post-release control, fines, and a license suspension. On appeal, the court held that the body-camera footage, officer testimony, forensic evidence, and Crabtree's own admissions constituted sufficient evidence to prove knowing possession, and that any minor inconsistencies in testimony were for the jury to resolve. Concluding that the jury did not lose its way and that the conviction was supported by both the sufficiency and manifest weight of the evidence, the appellate court affirmed the judgment.	Popham	12/19/2025
Hursey v. McPeck	2025 AP 03 0012	Appeal from the Court of Common Pleas of Tuscarawas County , Case No. 2023 CV 07 0498	Reversed and Remanded	Language in a deed that (1) conveyed certain real property to a grantee, (2) reserved to the grantors the right to benefit from the minerals and fossil fuels beneath that real property, and (3) said that the right to the minerals and fuels would pass to the grantee and his heirs after the grantors' deaths created a life estate in the underground commodities for the grantors and a vested remainder interest in those commodities for the grantee. That vested remainder interest in the underground commodities could be and was transferred by the grantee to a new owner while the grantors were still alive, and that new owner is now entitled to access the minerals and fuels because the original grantors have passed away. Joshua and Haley McPeck appealed a trial court ruling that held neither they nor David and Debbie Hursey owned the mineral rights underlying an 86.738-acre tract conveyed by John and Mary Ann Hursey to their son David in 2000. The appellate court reversed, concluding that the deed's mineral-rights language was clear and unambiguous in reserving those rights to the elder Hurseys for their lifetimes while expressly providing that, upon the death of the last surviving grantor, the rights would "inure to the Grantee," David Hursey and his heirs. The court held this language created a life estate in the elder Hurseys with a vested remainder in David, rather than a fee-simple retention by the parents. Because David's remainder interest vested at the time of the 2000 deed and was transferable, it passed through the 2006 bankruptcy trustee's deed to Joshua McPeck. Accordingly, the appellate court sustained the McPecks' assignments of error, reversed the trial court's judgment, and remanded the case for further proceedings, with one judge dissenting.	Gormley	12/22/2025
State v. Stevens	2024CA00186	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR0386	Affirmed	Manifest weight; Sufficiency of the evidence; Ineffective assistance of counsel Winfield Stevens appealed his convictions for rape and gross sexual imposition involving his minor niece, arguing insufficient evidence, manifest weight, prosecutorial misconduct, improper expert testimony, and ineffective assistance of counsel. The appellate court affirmed, finding that the victim's consistent testimony, corroborating medical and psychological evidence, and expert explanations of behavior consistent with sexual abuse provided sufficient evidence to support the jury's verdict and did not weigh against it. The court rejected claims of prosecutorial misconduct, concluding the State's comments about inconclusive DNA evidence were accurate and not misleading. It also held that the child-abuse expert properly testified about behavioral indicators and diagnoses without vouching for the victim's credibility, and that trial counsel was not ineffective for failing to object to admissible testimony. Accordingly, all assignments of error were overruled and the convictions and sentence were affirmed.	Baldwin	12/22/2025

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In re C.P.	2025 CA 0071	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2023 DEP 00046	Affirmed	Permanent Custody - Two Issue Rule - Children Cannot be Placed with Mother within a Reasonable Period of Time J.C. ("Mother") appealed the juvenile court's decision terminating her parental rights to her child, C.P., and granting permanent custody to Richland County Children Services, arguing she had completed her case plan and made sufficient progress toward reunification. The appellate court affirmed, noting that although Mother obtained housing and employment, regularly visited the children, and recently engaged in substance-abuse treatment, the record supported findings that her substance-abuse issues were not resolved, her credibility was questionable, and relapse remained a significant concern. The court emphasized that C.P. had been in the temporary custody of RCCS for more than twelve of the prior twenty-two months, an independent statutory ground supporting permanent custody, and further agreed that C.P. could not be placed with Mother within a reasonable time. Because completion of a case plan alone does not preclude termination of parental rights, the court overruled Mother's assignments of error and affirmed the judgment granting permanent custody to RCCS.	Hoffman	12/22/2025
In re A.P.	2025 CA 0070	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2023 DEP 00045	Affirmed	Permanent Custody - Two Issue Rule - Children Cannot be Placed with Mother within a Reasonable Period of Time J.C. ("Mother") appealed the juvenile court's decision terminating her parental rights to her child, A.P., and granting permanent custody to Richland County Children Services, arguing that she completed her case plan and made sufficient progress toward reunification. The appellate court affirmed, finding that although Mother obtained stable housing and employment, regularly visited the children, and showed recent progress in substance-abuse treatment, the evidence supported the conclusion that her substance-abuse issues were unresolved, her credibility was questionable, and relapse remained a significant concern. The court emphasized that A.P. had been in the temporary custody of RCCS for more than twelve of the prior twenty-two months, an independent statutory basis for permanent custody, and further agreed that A.P. could not be placed with Mother within a reasonable time. Because completion of a case plan alone does not bar termination of parental rights, the court overruled Mother's assignments of error and affirmed the judgment.	Hoffman	12/22/2025
Abdelaziz v. Lugo	2025 CAF 02 0648	Appeal from the Delaware County Court of Common Pleas, Domestic Relations Division, Case No. 22 DR A 10 0640	Affirmed	Objection to parenting coordinator decision Rana Abdelaziz appealed the trial court's decision overruling her objections to a parenting coordinator's November 2024 decision that modified aspects of Calvin Lugo's parenting time, including eliminating supervision, addressing communication and transportation, and establishing holiday and future visitation schedules. The appellate court affirmed, holding that the parenting coordinator acted within the authority expressly granted by the parties' agreed order and addendum, which contemplated incremental expansion of the father's parenting time. The court further concluded that Abdelaziz was afforded due process because the trial court clearly set forth the procedure for filing objections, including the requirement of a supporting affidavit, which she failed to provide. The court rejected claims that a hearing was required or that local rules were deficient, noting applicable local rules and the trial court's discretion to rule without an oral hearing. Finding no abuse of discretion or due process violation, the appellate court overruled all assignments of error and affirmed the trial court's judgment.	Baldwin	12/22/2025
State v. Walters	25-COA-007	Appeal from the Ashland County Court of Common Pleas, Case No. 24-CRI-179	Affirmed	Consecutive Sentences Defendant-appellant L'Keziah Walters appeals her convictions and aggregate forty-two-month prison sentence imposed by the Ashland County Court of Common Pleas following her guilty pleas to having weapons while under disability and receiving stolen property. The case arose from a May 2023 traffic stop in which Walters was found driving a stolen vehicle containing stolen merchandise, ammunition, and a loaded handgun on her person while she was on probation. Walters argued on appeal that the trial court plainly erred by imposing consecutive sentences without sufficient support in the record under R.C. 2929.14(C)(4). Applying a plain-error and deferential standard of review, the appellate court rejected her arguments, finding the trial court made the required statutory findings and that the record—including Walters' extensive criminal history, prior probation violations, commission of the offenses while on probation, and risk of reoffending—clearly supported consecutive sentences. The court also found no merit in Walters' claims regarding amenability to community control or alleged consideration of her silence, and therefore affirmed the trial court's judgment.	Popham	12/23/2025
State v. Sanabria	25 CAA 06 0041	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 09 0513	Affirmed	Theft; R.C. 2913.02; Cumulative error; Fair trial; Character evidence; Evid.R. 404; Other bad acts, crimes or wrongs; Sufficiency of evidence; Manifest weight of the evidence; Crim.R. 29 motion; Motion for new trial; Crim.R. 33 Defendant-appellant Erika Sanabria appeals her conviction for fifth-degree felony theft and her sentence of two years of community control following a jury trial in the Delaware County Court of Common Pleas. The conviction stemmed from a September 2024 incident in which Sanabria was observed on surveillance video filling a cart with more than \$1,000 worth of merchandise at a Meijer store, passing all points of sale without paying, and exiting the store. After being detained, she offered to pay, gave a false name and date of birth to police, and was later identified through her belongings. On appeal, Sanabria raised seven assignments of error, challenging the admission of evidence that she provided a false name, the sufficiency and weight of the evidence, the denial of her Crim.R. 29 and 33 motions, and claiming cumulative error. The appellate court rejected each argument, finding the false-name evidence was intrinsic to the offense and admissible, its probative value outweighed any prejudice, and the evidence—including witness testimony and surveillance footage—was sufficient and not against the manifest weight of the evidence. The court further found no trial irregularities or cumulative error and therefore affirmed the judgment and sentence.	Montgomery	12/23/2025

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State v. Davy	CT2025-0052	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0203	Affirmed	Anders review Appellant Joshua Davy appeals from his convictions and consecutive sentences for two counts of fifth-degree felony forgery arising from incidents at The Community Bank in Fazeysburg in June and August 2023, where he successfully cashed a bad check for \$1,945 and later attempted to cash another before fleeing when recognized by a bank employee. Davy pled guilty to both counts in February 2025 and was sentenced to consecutive twelve-month prison terms for an aggregate sentence of twenty-four months. On appeal, appointed counsel filed an Anders brief, asserting no meritorious issues existed, and Davy did not file a pro se brief. After conducting an independent review of the record, the appellate court found the trial court fully complied with Crim.R. 11 in accepting Davy's guilty pleas and that his sentence was within the statutory range and supported by the sentencing statutes. Concluding the appeal was wholly frivolous, the court granted counsel's motion to withdraw and affirmed the judgment of the Muskingum County Court of Common Pleas.	Montgomery	12/23/2025
State v. Carter	2025-CA-0002	Appeal from the Richland County Court of Common Pleas, Case No. 2023-CR-0344R	Affirmed	Defendant must prove all three elements. The State must prove beyond a reasonable doubt the defendant did not use the force in self-defense. The State need only disprove one of the elements Defendant-appellant William Carter appeals his convictions for murder, felonious assault, having weapons under disability, and tampering with evidence, and his aggregate sentence of 27 years to life imposed by the Richland County Court of Common Pleas following a jury trial. The charges arose from the April 30, 2023 shooting death of Darrin Marsh on Dunbilt Court in Mansfield, where multiple witnesses, surveillance video, and forensic evidence showed Marsh was shot from behind as he fled, and Carter continued firing. Carter admitted shooting Marsh but claimed he acted in self-defense based on prior disputes and his belief Marsh was armed. The jury rejected this claim, finding Carter initiated the confrontation, lacked a reasonable belief of imminent danger, and failed to retreat. On appeal, Carter argued the verdicts were against the manifest weight of the evidence because the State failed to disprove self-defense beyond a reasonable doubt. After reviewing the record, the appellate court concluded the jury did not lose its way, the evidence supported the State's case, and the convictions were not a manifest miscarriage of justice, and therefore affirmed the judgment and sentence.	Hoffman	12/23/2025
State v. Miller	25CA000011	Appeal from the Guernsey County Court of Common Pleas, Case No. 24CR165	Affirmed; and Remanded	Information in affidavit in support of application for search warrant not stale despite passage of time - Motion to Suppress - No error in trial court's denial - failure to provide notification of R.C. 2929.19(B)(2)(c) factors as required by Reagan Tokes Law at sentencing hearing warrants remand Defendant-appellant Robert Miller appeals his convictions for possession of a fentanyl-related compound and two counts of trafficking in a fentanyl-related compound, as well as his indefinite prison sentence, imposed by the Guernsey County Court of Common Pleas after he entered no-contest pleas following the denial of his motion to suppress. The charges stemmed from a lengthy narcotics investigation involving confidential sources, a controlled buy, surveillance, and financial records suggesting ongoing drug trafficking activity. On appeal, Miller argued the search warrant for his residence was based on stale and insufficient evidence and that the trial court failed to properly advise him of his rights under the Reagan Tokes Law at sentencing. The appellate court rejected Miller's suppression argument, finding the affidavit demonstrated continuing criminal conduct and provided a substantial basis for probable cause. However, the court agreed the trial court failed to give the mandatory Reagan Tokes notifications at sentencing, affirmed the convictions, and remanded the case for the limited purpose of providing the required statutory advisements.	Hoffman	12/23/2025
State v. Vanhorn	25 CAA 07 0052	Appeal from the Delaware County Court of Common Pleas, Case No. 11 CRI 12 0623	Affirmed	Enforcement of court judgment entry Appellant Derek Vanhorn appeals the Delaware County Court of Common Pleas' June 6, 2025 judgment denying his motion seeking permission to retest for an Ohio driver's license following a lifetime suspension imposed after his 2012 conviction for aggravated vehicular homicide, which arose from a 2011 crash in which he crossed left of center at a high rate of speed while under suspension and killed a passenger in another vehicle. After serving a 42-month prison sentence, Vanhorn sought limited driving privileges in 2015, and the trial court allowed him to renew his license subject to meeting specific BMV requirements but did not grant driving privileges. In 2025, Vanhorn filed a new motion requesting an updated order to allow him to retest, which the trial court denied after considering his intervening criminal and traffic convictions, including a felony failure to comply and multiple driving-under-suspension offenses. On appeal, Vanhorn argued the denial violated the law-of-the-case doctrine and constituted an abuse of discretion, but the appellate court rejected those arguments, finding the trial court acted within its discretion, did not alter the prior 2015 entry, properly considered Vanhorn's subsequent conduct, and reasonably denied the request. The judgment of the trial court was therefore affirmed.	Montgomery	12/23/2025