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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
Civil	DEWITT MCDONALD VS. WARDEN ANGELA STUFF	Case No. 2024 CA 0095	Writ of Habeas Corpus	Dismissed	Writ of Habeas Corpus Appellant DeWitt McDonald filed a petition arguing that his minimum term of incarceration had expired and that the Ohio Department of Rehabilitation and Correction (ODRC) was required to grant him a parole hearing by December 2011. He claimed he had been lawfully restrained for over eight years without access to parole and likened the delay in his initial parole hearing to a delay in resentencing upon remand under R.C. 2725.01. The Court of Appeals clarified that habeas corpus relief is only available when the petitioner's maximum sentence has expired, and McDonald had no inherent right to parole or early consideration for parole. Since his maximum sentence is life in prison, he was not entitled to immediate release. Consequently, the Court granted Warden Stuff's motion to dismiss.	Hoffman, J.	2/12/2025
Civil	NORMAN PAUL TAYLOR VS. OHIO DEPARTMENT OF PUBLIC SAFETY; BMV	Case No. CT2024-0131	Appeal from the Muskingum County Court of Common Pleas, Case No. CF2024-0082	Affirmed	Suspension commercial driver's license; R.C. 4501.022 - R.C. 119.12 Appellant Norman P. Taylor appealed the trial court's dismissal of his administrative appeal seeking reinstatement of his commercial driver's license. The Court of Appeals held that, under R.C. 4506.14, Taylor bore the responsibility of updating his address with the BMV and could not rely on his own failure to do so as a basis for avoiding the filing requirements of his appeal. Furthermore, Taylor did not establish that the BMV's mailing procedure was unconstitutional. Based on the evidence presented, the Court of Appeals affirmed the trial court's decision.	Hoffman, J.	2/12/2025
Criminal	STATE VS. JULIAN DUCKSWORTH	Case No. 2024CA00084	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR0252	Affirmed	Theft; admission of guilt; maximum sentence Appellant Julian Ducksworth appealed the trial court's judgment convicting him of theft (R.C. 2913.02(A)) and criminal trespass (R.C. 2911.21(A)(1)(D)(1)) and sentencing him to an aggregate term of 180 days of incarceration. Ducksworth argued that his trial counsel was ineffective and that the court erred in imposing the maximum sentence for theft. The Court of Appeals found that Ducksworth failed to demonstrate ineffective assistance of counsel. Additionally, the court upheld the maximum sentence, noting Ducksworth's extensive criminal record, which included more than fifty prior petty theft convictions, five breaking and entering convictions, and one robbery conviction. Accordingly, the trial court's judgment was affirmed.	Hoffman, J.	2/12/2025
Criminal	STATE VS. ROCKY C. JACKSON	Case No. 2024 CA 00018	Appeal from the Fairfield County Municipal Court, Case No. CRB2400005	Reversed and Remanded	License suspension was contrary to law The State of Ohio appealed the sentence imposed on Defendant-Appellee Rocky C. Jackson, arguing that the trial court failed to comply with R.C. 2921.331(E). Jackson was convicted of failure to comply under R.C. 2921.331(A) in 2020, requiring a mandatory class one driver's license suspension. While the trial court orally informed Jackson of a one-year suspension, it failed to journalize the suspension in the final judgment entry. As a result, the judgment was reversed and remanded for proper imposition of the required suspension.	King, J.	2/13/2025