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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. ROBERT W. CLAY	Case No. 2024 CA 00054	Appeal from the Licking County Court of Common Pleas, Case No. 2023 CR 00729	Affirmed	Consecutive sentences Defendant-Appellant Robert Clay was convicted on multiple drug-related charges following two separate traffic stops where law enforcement discovered narcotics and paraphernalia in his vehicle. He entered a plea agreement, admitting guilt to several charges, and was sentenced to consecutive prison terms. Clay argued that the trial court erred in imposing consecutive sentences, claiming the decision was not supported by the record. However, the appellate court found that the trial court had properly considered statutory sentencing factors, including Clay's extensive criminal history, and upheld the original sentence, affirming the trial court's decision.	Baldwin, P.J.	2/24/2025
Criminal	STATE VS. DANNY BROWN	Case No. 2024 CA 0038	Appeal from the Richland County Court of Common Pleas, Case No. 2020 CR 0812 N	Affirmed	Petition for Post-Conviction Relief; Res Judicata; Evidence De Hors the Record Brown appeals the decision denying his petition for post-conviction relief without a hearing. He was convicted on multiple felony charges, including weapons possession, receiving stolen property, and drug-related offenses, and sentenced to a minimum of 22 years and a maximum of 27 ½ years. Brown argues the trial court erred by not allowing discovery or an evidentiary hearing, asserting that new affidavits and external materials support his claims. However, the court ruled that this evidence was available at trial and on direct appeal, making his claims barred by res judicata. Brown failed to provide arguments to bypass this procedural bar.	Hoffman, P.J.	2/20/2025
Criminal	STATE VS. LJ HARRIS	Case No. 2024-CA-0037	Appeal from the Richland County Court of Common Pleas, Case No. 2023-CR-0729R	Affirmed	Guilty plea; ineffective assistance of counsel; sentencing LJ Harris appealed his convictions and sentences arguing that his guilty plea was not knowingly, intelligently, and voluntarily entered because the trial judge had failed to inform him that it could affect his right to own or possess a firearm. However, the trial court had complied with Crim.R. 11(C), and Harris had failed to demonstrate prejudice. He also claimed ineffective assistance of counsel for failing to seek dismissal due to pre-indictment delay, but the appellate court found that his unconditional guilty plea had waived this claim. Additionally, Harris argued that his sentence was contrary to law, but the appellate court determined that the trial judge had properly considered sentencing principles and factors, and his sentence fell within the statutory range. Concluding that no legal error had occurred, the appellate court affirmed the judgment.	Popham, J.	2/28/2025
Criminal	STATE VS. JING YANG	Case No. 24 CAC 05 0029	Appeal from the Delaware County Municipal Court, Case No. 24 TRC 00148	Affirmed	Restitution order did not violate Marsy's Law Jing Yang appealed his July 19, 2023, sentence, challenging the trial court's order requiring him to pay restitution exceeding \$5,000. He argued that the court violated R.C. 4511.19(G)(7) by imposing restitution beyond the statutory limit. Yang's conviction stemmed from driving under the influence, which resulted in damage to an Ohio State Highway Patrol cruiser that was assisting another motorist at the time. The appellate court determined that the state was not seeking restitution as a government entity performing official duties but rather as a "victim" under Marsy's Law, which entitles victims to full and timely restitution. Since the state's economic loss was undisputed, the trial court was required to award full restitution, even if the amount exceeded \$5,000. Concluding that the restitution order complied with legal requirements, the appellate court affirmed the judgment of the Municipal Court of Delaware County, Ohio.	Smith, J	2/28/2025
Criminal	STATE VS. KIM SHREVE	Case No. 24-COA-018	Appeal from the Ashland County Court of Common Pleas, Case No. 23-CRI-085	Affirmed	Violating a protection order; telecommunications harassment; consecutive sentencing Defendant-appellant Kim Shreve appealed his conviction after pleading guilty to four counts of violating a protection order (R.C. 2919.27(A)(1), (B)(4)) and one count of telecommunication harassment (R.C. 2917.21(A)(5), (C)(2)). He argued that the trial court's imposition of consecutive sentences under R.C. 2929.14(C)(4) was not supported by the record. Shreve had a lengthy criminal history, including six prior felonies resulting in prison time. Although he correctly noted that the victim did not accept his calls, the calls were not explicitly threatening, and much of the victim's statement to the trial court referenced past abuse rather than the current offenses, the court found that his repeated attempts to contact the victim were not merely innocent proclamations of love, as he claimed. Instead, the court determined that his actions were part of a continuous cycle of harassment. Given this context, the appellate court found that the trial court's findings justifying consecutive sentences were supported by the record. Accordingly, the assignment of error was overruled, and the judgment of the Ashland County Common Pleas Court was affirmed.	Hoffman, P.J	2/27/2025

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Criminal	STATE VS. CORDERO M. STEPHEN	Case No. 2024CA00047	Appeal from the Stark County Court of Common Pleas, Case No. 2023CR1684	Affirmed	Felonius assault; tampering with evidence; weapons under disability; plea bargain; authentication of jail calls; manifest weight/sufficiency Stephen appeals his conviction for felonious assault, tampering with evidence, and having weapons under disability, all with firearm specifications, as well as a repeat violent offender specification. He was sentenced to a minimum of 10 years and a maximum of 12 years in prison. Stephen argues the trial court erred by failing to enforce a plea agreement, allowing the prosecution to file a superseding indictment, and admitting jail phone calls without proper authentication. He also challenges the sufficiency and weight of the evidence supporting his convictions. However, the court ruled that no valid plea agreement existed, the additional charges were supported by evidence, and the jail calls were properly authenticated. The court found the convictions were based on sufficient evidence, including witness testimony, forensic evidence, and Stephen’s own admissions. As a result, the appellate court affirmed his conviction and sentence.	Hoffman, J.	2/27/2025
Criminal	STATE VS. SHAKOTA CHEYNNE MYRICK	Case No. 2024CA00095	Appeal from the Massillon Municipal Court, Case No. 2022-CRB-02415	Reversed and Remanded	Trial court misconduct hearing on application to expunge or seal Shakota Myrick appealed the May 30, 2024, decision of the Massillon Municipal Court, which denied her application to expunge or seal her criminal record under R.C. 2953.32. Myrick filed the application, stating that her final discharge occurred on March 16, 2023, and that the required waiting periods for expungement and record sealing had been met. However, the trial court denied her application without holding a hearing, referencing her November 23, 2022, sentence, which included a five-year probation period and a requirement of no related offenses. Myrick argued that the trial court erred by failing to conduct a hearing, as required by R.C. 2953.32(C). The appellate court agreed, finding that the trial court had not followed the statutory requirements for expungement and record sealing. The court reversed the judgment and remanded the case for a hearing in accordance with R.C. 2953.32.	Hoffman, P.J	2/27/2025