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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
Juvenile	IN RE: K.C. AND R.C.	Case Nos. 24-COA-014 & 24-COA-015	Appeal from the Ashland County Court of Common Pleas, Juvenile Division, Case Nos. 2018-0365 & 2018-0366	Affirmed	Manifest weight; best interest Mother appeals the decision terminating her parental rights and granting permanent custody of her two children to Ashland County Job and Family Services. She argues the trial court erred by granting custody without clear and convincing evidence and failing to ensure reasonable efforts to reunify the family. The children had not lived with Mother for over five years, and she repeatedly violated court orders by maintaining contact with the Father, leading to incarceration. Additionally, she was involved with other men with criminal and drug histories. The court found the 12 of 22 months rule applied, supporting custody transfer. The appellate court determined ACJFS made reasonable efforts at reunification, but Mother's repeated incarcerations and poor decisions hindered progress.	Hoffman, J.	1/15/2025
Civil	THE COLT'S NECK HOMEOWNERS ASSOCIATION VSL FRANKLIN COUNTY, OHIO BOARD OF COMMISSIONERS, ET AL.	Case No. 2024 CA 00048	Appeal from the Licking County Court of Common Pleas, Case No. 23 CV 1462	Dismissed	The Appellant challenged the trial court's decision to grant the Appellees' Civ.R. 12(B)(6) motions to dismiss. The Appellant argued that: (1) the trial court lacked jurisdiction to render a decision before convening a panel of judges; (2) the appeal should not have been dismissed because Chapters 2506, 6131, and 6133 of the Ohio Revised Code allow for an appeal of the joint board's decision following the first hearing; and (3) the Appellant has statutory standing to appeal the first hearing order, even if no harm is found. The Court of Appeals concluded that the case was not ripe for review. It noted that the Franklin County Engineer had not yet completed the necessary reports, plans, and schedules for the Cole Ditch watershed improvement, which were ordered for use in a future hearing. Furthermore, the Court found that if the second hearing resulted in a decision not to proceed, the affected residents would not be responsible for the associated costs. The Court also found it unclear which members of the Appellant's HOA might face assessments, and if so, to what extent. Since the Appellant had not yet experienced any harm or damages, the Court ruled that the matter was not yet ripe for adjudication and dismissed the appeal.	Baldwin, J.	1/16/2025
Criminal	STATE VS. CHRISTOPHER HANE	Case No. 2024CA00039	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CR 2479	Affirmed	Manifest weight and sufficiency; child endangering The appellant was indicted on charges of fourth-degree felony child endangering and first-degree misdemeanor drug possession. He pleaded not guilty, and the case proceeded to a jury trial. Before trial, he stipulated to a prior child endangering conviction and that the substance found near him was fentanyl. He was sentenced to 18 months in prison for child endangering and 30 days in jail for drug possession, to be served concurrently. On appeal, the appellant argued that the evidence was insufficient and the verdict was against the manifest weight of the evidence. He claimed he was not legally responsible for the children since he was not listed on their birth certificates and had no legal support obligations. He also contended that his incapacitation from a head injury prevented him from endangering the children. However, evidence showed that he overdosed on fentanyl in a basement accessible only from outside, leaving three young children alone in the house. The court found sufficient evidence to support the child endangering conviction.	Delaney, P.J.	1/17/2025
Criminal	STATE VS. BERNARD L. HAYES	Case No. CT2024-0085	Appeal from the Court of Common Pleas, Case No. CR2021-0664	Affirmed	Post-conviction relief Hayes was convicted of felonious assault on a peace officer and sentenced to 11 to 16.5 years in prison. In his direct appeal, he argued ineffective assistance of counsel for failing to challenge whether the victim was a peace officer. He also filed a petition for postconviction relief, claiming the State withheld evidence and his attorney failed to investigate properly. The trial court denied his petition without a hearing, finding his claims unsupported beyond his own affidavit and lacking sufficient operative facts to show constitutional error. Hayes also argued the trial court abused its discretion by denying his motion to compel the State to produce a "pink slip" document, but he did not appeal that ruling. He reiterated Brady violation claims regarding the victim's certification and weapon authorization, alleging ineffective counsel for failing to obtain related documents. However, since these claims were or could have been raised in his direct appeal, he was barred from bringing them in his postconviction petition.	King, J.	1/16/2025