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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	STATE EX REL. GATEHOUSE MEDIA OHIO HOLDINGS II, INC. DBA THE COLUMBUS DISPATCH VS. STARK COUNTY HEALTH DEPARTMENT	Case No. 2024CA00132	Stark County, Writ of Mandamus	Granted in part; Denied in part	Writ of Mandamus Gatehouse Media Ohio Holdings II, Inc. filed a Complaint for Writ of Mandamus seeking an order compelling the Stark County Health Department to provide an electronic list of all animal bites reported in 2024. The court ruled in favor of Gatehouse regarding the release of pet owner names but denied the request for bite victim names, citing privacy concerns under R.C. 3701.17(A)(2). The court also denied Gatehouse's claims for statutory damages and attorney's fees due to insufficient proof of delivery of its public records request but awarded court costs.	Hoffman, J.	1/24/2025
Civil	SAMMY MONTANEZ VS. HAROLD MAY, WARDEN	Case No. 2024 CA 0096	Richland County, Writ of Habeas Corpus	Dismissed	Writ of Habeas Corpus Petitioner Sammy Montanez filed a petition for a Writ of Habeas Corpus asserting that he was illegally and unlawfully held by Respondent Harold May—Warden of the Mansfield Correctional Institution. The Ohio Attorney General, on behalf of Warden May, moved to dismiss Montanez's petition under Civ.R. 12(B)(6). Montanez did not file a response to Warden May's motion. The Court of Appeals found that Montanez was not entitled to Habeas Corpus relief because he had not served his maximum sentence. To date, Montanez has only served the minimum Cuyahoga County sentence and is currently serving his sentence for his Richland County case. Additionally, the Cuyahoga County case minimum sentence was served first, and the Richland County sentence was added on top of that. This correspondence makes clear Montanez has only served the minimum sentence for his Cuyahoga County case and not the maximum sentence. The respondent's motion to dismiss was granted and the Writ of Habeas Corpus was denied.	King, J.	1/25/2025
Civil	SARA E. WOOD, ET AL. VS. GARY K. DUNN, ET AL.	Case No. 24 CAE 08 0053	Appeal from the Delaware County Court of Common Pleas, Case No. 22 CVH 08 0420	Affirmed	Piercing the corporate veil; unjust enrichment Sarah E. Wood and Brian K. Wood appeal the Delaware County Court's ruling that dismissed their case against Gary K. Dunn, AnnaLeisa Richards, and EmmaLee Ponzio. They argue the trial court wrongly considered Richards and Ponzio's factual denials when granting judgment on the pleadings and misapplied the legal standard for piercing the corporate veil. The appellate court found no error, concluding the Woods failed to allege sufficient facts to justify piercing the corporate veil or establishing liability under respondeat superior. The court ruled that the Woods lacked standing to challenge an agreed judgment entry between the defendants.	Hoffman, P.J.	1/27/2025
Criminal	STATE VS. LEONARD J. JENKINS	Case No. 24 CA 00085	Appeal from the Licking County Court of Common Pleas, Case No. 22-CR-00486	Affirmed	Denial of postconviction relief Leonard J. Jenkins appeals the denial of his postconviction relief petition following his conviction on multiple charges, including weapons and drug offenses. He argues violations of his Second Amendment rights, denial of compulsory process, and suppression of evidence and witness testimony. The appellate court ruled that res judicata barred these claims since they could have been raised in his direct appeal but were not. The court found his evidence largely inadmissible or irrelevant to his defense. Because Jenkins failed to challenge the trial court's res judicata ruling, the appellate court upheld the denial of his petition.	King, J.	1/27/2025
Criminal	STATE VS. RANDY DILLON	Case No. CT2024-0038	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2007-0114	Affirmed	Application for DNA testing Appellant appealed denial of his request for new DNA testing. He argued that advances in testing could provide more accurate results and that the court erred in ruling the prior DNA analysis was definitive. The court found that previous testing had already identified Dillon as a contributor of biological material on key evidence and that he failed to provide expert testimony disputing the findings. Additionally, evidence linked Dillon to the crime scene, including his connection to the victim's mother, the use of a borrowed van found near the victim, and forensic evidence from the van. The court determined it had no legal basis to approve retesting and upheld its decision.	Delaney, P.J.	1/29/2025
Criminal	STATE VS. LANE WATTS	Case No. CT2024-0076	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0033	Affirmed	Anders Appellant Lane Watts appealed the judgment of the Muskingum County Court of Common Pleas, challenging the acceptance of his guilty plea and the imposed sentence. Watts was indicted for felonious assault (R.C. 2903.11(A)(1)) and tampering with evidence but pleaded guilty to felonious assault in exchange for the dismissal of his other charge and repeat violent offender specification. The Court of Appeals affirmed his conviction, finding his guilty plea was knowingly and voluntarily entered, his sentence was part of a lawful joint recommendation, and no meritorious issues existed for appeal.	Baldwin, J.	1/31/2025

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Criminal	STATE VS. JOSEPH BRADLEY	Case No. 24 CAA 02 011	Appeal from the Delaware County Court of Common Pleas, Case No. 23-CR-I-07-0366	Dismissed	Mootness Appellant appealed the judgment denying his motion to dismiss. Bradley was indicted for Having Weapons While Under Disability (R.C. §2923.13(A)(1)) but later entered a plea of no contest to an amended charge of Improperly Handling Firearms in a Motor Vehicle (R.C. §2923.16(C)). Because Bradley was not convicted of the original charge, the Court of Appeals dismissed the appeal as moot, ruling that any decision on the motion to dismiss would be purely advisory.	Baldwin, J.	1/31/2025
Criminal	STATE VS. PATRICIA JO WHITE	Case No. 2024CA00044	Appeal from the Stark County Court of Common Pleas, Case No. 2023CR1792	Affirmed	Telecommunications harassment; sufficiency of evidence; First Amendment Defendant-Appellant appealed the judgment affirming her conviction for telecommunications harassment (R.C. 2917.21(A)(1) and/or (5)). White argued insufficient evidence and First Amendment protection, but the Court of Appeals found she was prosecuted for harassment, not speech content. Despite warnings, she continued sending erratic emails to Officer Gillilan, including accusations of witchcraft and threats. The jury acquitted her of earlier communications but convicted her for emails sent after her arrest. The Court of Appeals upheld her conviction, rejecting claims of ineffective counsel and ruling her conduct unprotected harassment.	Hoffman, P.J.	1/29/2025
Juvenile	DONNA JOHNSON VS. SARAH JOHNSON-CLEVINGER	Case No. 2024 CA 0041	Civil Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2004 MISC 0005	Affirmed	Habeas corpus; adequate remedy at law Donna Johnson appeals the dismissal of her habeas corpus petition by the Richland County Juvenile Court. The trial court ruled that she had an adequate legal remedy, and the appellate court agreed, affirming the dismissal. Johnson failed to show that no alternative legal remedy existed, as she was already pursuing relief through the Richland County Domestic Relations Court. Her assignments of error were overruled.	Wise, J.	1/28/2025