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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. ALLEN KECK, JR.	Case No. CT2024-0144	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0597	Affirmed	Manifest weight; sentencing Keck, Jr. appealed his conviction and 30-month sentence for tampering with evidence after a jury found he had intentionally deleted a video from his phone during an active investigation into a domestic incident involving missing medication. The trial court had dismissed other charges, including domestic violence and felonious assault, after Keck showed a deputy a video of the event but then deleted it and factory reset the device before the deputy could re-review it. On appeal, Keck argued the conviction was against the manifest weight of the evidence and that the sentence was inconsistent with sentencing principles under Ohio law. The appellate court rejected both claims, holding that the evidence supported the jury's finding that Keck knowingly destroyed potential evidence during an investigation and that the 30-month sentence was within statutory guidelines. The court also noted that Keck failed to object during sentencing, and no plain error occurred. As such, the trial court's judgment was affirmed.	Baldwin, P.J.	7/22/2025
Criminal	STATE VS. OSHEA WALKER	Case No. 2024CA00150	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR0461	Affirmed	Sufficiency; sentencing Walker appealed his convictions and sentence following incidents on February 14 and 18, 2024. In the first, Perry Township police found cocaine, cash, and a phone in a jacket Walker left at a crime scene. In the second, Massillon police attempted to arrest Walker, but he fled in a vehicle, endangering officers and property before fleeing on foot and hiding a bag of cocaine in a cooler behind a residence. He was later arrested and expressed surprise in a jail call that officers had found the drugs. A jury convicted Walker on three counts: first-degree felony possession of cocaine, third-degree felony failure to comply with police (with a substantial risk of harm), and third-degree felony tampering with evidence. He was sentenced to an indefinite term of 8–9 years. On appeal, Walker argued insufficient evidence, improper denial of his Crim.R. 29 motion, and sentencing error. The appellate court rejected all claims, finding sufficient circumstantial evidence of constructive possession, reckless endangerment during the pursuit, and that the trial court was not required to make explicit sentencing findings. The trial court's judgment was affirmed.	King, J.	7/17/2025
Civil	CSRA COLUMBUS OH FITNESS MASTER LESSEE, LLC VS. FITNESS & SPORTS CLUBS, LLC AND FITNESS INTERNATIONAL, LLC	Case No. 24 CAE 08 0052	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CVH 05 0297	Affirmed	Lease; breach of lease; accelerated rent; penalty; landlord; tenant; sophisticated business entities; liquidated damages; duty to mitigate; waiver of mitigation Appellants Fitness & Sports Clubs, LLC and Fitness International, LLC appealed a judgment from the Delaware County Court of Common Pleas awarding over \$6.6 million in damages to CSRA Columbus OH Fitness Master Lessee, LLC, including \$4.6 million in accelerated rent under a commercial lease. CSRA Columbus filed suit after Appellants abruptly surrendered the leased fitness facility in Powell, Ohio, in March 2023 and ceased rent payments. The trial court granted summary judgment in CSRA Columbus's favor, concluding that the lease's express terms allowed for rent acceleration and explicitly waived the landlord's duty to mitigate damages, even if the property was not re-leased. On appeal, Appellants argued that the failure to mitigate violated Ohio law and public policy, but the appellate court rejected this, finding the lease language unambiguous and enforceable. The court emphasized that sophisticated commercial parties can waive mitigation through clear contract terms. As a result, the appellate court affirmed the trial court's ruling and upheld the full damages award.	Montgomery, J.	7/24/2025
Civil	DAWN FAGAN, ET AL. VS. CITY OF SHELBY, ET AL.	Case No. 2024 CA 0061	Appeal from the Richland County Court of Common Pleas, Case No. 2023 CV 0043 R	Affirmed	Common law recreational user immunity; derivative immunity; political subdivision tort liability; independent contractor; borrowed server doctrine; R.C. 2744; R.C. 1533.18; R.C. 1533.181; loaned servant Dawn and Frederick Fagan sued the City of Shelby, its Park Superintendent Jerry Marshall, maintenance worker William Bland, and staffing agency Staffing Partners after their son C.F. was seriously injured by a hand dryer missing a protective guard in a city park restroom during a school field trip. The trial court granted summary judgment for all defendants, finding no genuine issues of material fact and holding that the City, as a political subdivision, and its employee Marshall were immune from liability under common law derivative recreational user immunity. The court further found that Bland, although contracted through Staffing Partners, was a "loaned servant" under the City's control and therefore also covered by immunity, leaving Staffing Partners not liable under respondeat superior. The trial court concluded that both the recreational user statute and Ohio's Political Subdivision Tort Liability Act provided overlapping immunity for the City and its agents. The appellate court affirmed, agreeing that C.F. was a recreational user of a public park and that his injury arose from a condition of the premises, entitling the defendants to immunity.	Montgomery, J.	7/23/2025

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Domestic Relations	JONATHAN LOWE VS. RACHAEL COMPTON	Case No. 24-CAF-11-0098	Appeal from the Delaware County Court of Common Pleas, Domestic Relations Division, Case No. 15-02-0303 AD	Dismissed	Final appealable order Appellants Rachael Compton and her ten-year-old daughter, Z.C., appealed the October 24, 2024 judgment that denied their attempt to have Z.C. independently represented by counsel in a visitation dispute with Z.C.’s father, Jonathan Lowe. The trial court had previously appointed a guardian ad litem (GAL) for Z.C. but found that Z.C. was not a party to the case and did not require separate legal representation. The appellate court dismissed the appeal, holding that the judgment was not a final, appealable order because it did not affect a substantial right and did not prevent future relief. The court also found that neither Mother nor Z.C. had standing to appeal: Mother had not been prejudiced by the ruling, and Z.C. was not a legal party to the proceedings. The court concluded that the issues surrounding the appointment of counsel and any conflict with the GAL’s recommendations could be addressed after a final judgment is issued on the pending visitation motions.	Popham, J.	7/23/2025
Juvenile	IN RE: M.S., Y.C., & Y.S.	Case No. 24-COA-032 24-COA-033 24-COA-034	Appeal from the Ashland County Court of Common Pleas, Juvenile Division, Case Nos. 20213024; 20213026; 20213025	Affirmed	Permanent custody- mother The appellate court found that the trial court's determination—that the mother had not remedied the issues leading to the children's removal and that reunification was not feasible within a reasonable time—was supported by competent, credible evidence and was not against the manifest weight or sufficiency of the evidence. The court also upheld the decision to grant permanent custody to the Ashland County Department of Job and Family Services, concluding it was in the children's best interest. As a result, the mother's assignment of error was overruled, and the trial court's judgment was affirmed.	Popham, J.	7/21/2025
Juvenile	IN RE: A.S.	Case No. 24-COA-035	Appeal from the Ashland County Court of Common Pleas, Juvenile Division, Case No.20223022	Affirmed	Permanent custody - mother The appellate court determined that the trial court correctly found the mother failed to resolve the issues that led to A.S.’s removal, making reunification within a reasonable time unfeasible. The court concluded that the decision to grant permanent custody to the Ashland County Department of Job and Family Services was in A.S.’s best interest and supported by competent, credible evidence. As such, the mother’s assignment of error was overruled, and the trial court’s judgment was affirmed.	Popham, J.	7/21/2025

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