



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



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. WYATT H. THOMPSON	Case No. 2025 CA 00002	Appeal from the Licking County Municipal Court, Case No. 24-TRC-06355	Reversed and Remanded	Suppression; dashcam video evidence; failure of trial court to act ad trier of fact The State of Ohio appealed the Licking County Municipal Court's decision to grant Wyatt Thompson's motion to suppress evidence obtained during a traffic stop. Trooper Anthony Pagan stopped Thompson's vehicle for allegedly crossing the center line, but the trial court found there was no reasonable suspicion for the stop because the alleged violation was not clearly visible on the dashcam video. The court followed its general policy of requiring visible video evidence of a traffic infraction to validate a stop, declining to assess the officer's credibility. The appellate court reversed this decision, finding the trial court erred by relying solely on video evidence and refusing to evaluate the trooper's testimony. The case was remanded for the trial court to properly act as factfinder, consider all evidence, and make credibility determinations on a case-by-case basis.	Hoffman, P.J.	7/8/2025
Criminal	STATE VS. MICHAEL A. CHILDRESS	Case No. 2025 CA 0006	Appeal from the Richland County Court of Common Pleas, Case No. 2022 CR 0323N	Affirmed	Crim.R.32.1 - trial court did not abuse its discretion in denying motion to withdraw guilty plea; appellant failed to demonstrate manifest injustice Michael A. Childress appealed the denial of his motion to withdraw his guilty plea to charges including murder with a firearm specification. He claimed his attorney had misinformed him about sentencing and that his low IQ prevented him from understanding the plea. The trial court denied the motion, finding that Childress knowingly agreed to the terms, including the mandatory 18-years-to-life sentence, as reflected in the signed plea form. The Fifth District affirmed, noting the absence of a transcript and emphasizing that Childress failed to show a manifest injustice or credible reason for the two-year delay in filing his motion.	Hoffman, P.J.	7/8/2025
Criminal	STATE VS. AARON GRAY	Case No. CT2024-0126	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0581	Affirmed	Anders Aaron Gray was convicted of trespass in a habitation after entering a neighbor's fenced yard and partially opening her front door, an act captured on video and confirmed by the victim. He represented himself at trial with standby counsel and did not present any evidence. On appeal, his attorney filed an Anders brief, asserting no non-frivolous issues. The Fifth District independently reviewed the case and affirmed the conviction and 12-month prison sentence, finding no errors in the trial court's handling of Gray's self-representation, pretrial motions, jury trial, or sentencing.	Baldwin, P.J.	7/8/2025
Criminal	STATE VS. MONTEQUA BURKE	Case No. 24 CA 038	Appeal from the Fairfield County Municipal Court, Case No. TRC2306038	Affirmed	Anders case; defendant's conviction was supported by sufficient evidence and was not against the manifest weight of the evidence; record does not support claim of racial bias in the jury pool Montekqua Burke was convicted of OVI and two related misdemeanors after a traffic stop where she exhibited signs of impairment, including slurred speech, bloodshot eyes, and the odor of alcohol. Although she claimed a passenger had been driving and that her behavior was due to bipolar disorder, the jury found her guilty based on officer testimony, bodycam footage, and her own statements. On appeal, her attorney filed an Anders brief, asserting no non-frivolous issues. The Fifth District affirmed, finding sufficient evidence supported the conviction and no constitutional or procedural errors occurred at trial.	Gormley, J.	7/8/2025
Criminal	STATE VS. ANTOINE J. SEALEY, JR.	Case No. 24-COA-038	Appeal from the Ashland County Court of Common Pleas, Case No. 24-CRI-235	Affirmed	Sentencing; post-release control Sealey, Jr. appealed the Ashland County Court of Common Pleas' judgment imposing an agreed-upon prison sentence and the full balance of his post-release control time after he was found in possession of a stolen firearm during a traffic stop while on post-release control. Sealey argued that the court abused its discretion in sentencing him for the post-release control violation. The appellate court rejected his argument, noting the prison sentence was part of a negotiated plea agreement and therefore not reviewable, as it was authorized by law and imposed with both parties' consent. As for the post-release control time, which was not part of the agreement, the court found the trial court acted within its discretion and followed proper legal standards by considering the seriousness, recidivism, and sentencing principles under Ohio law. The appellate court affirmed the trial court's judgment in full.	King, J.	7/9/2025

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Criminal	STATE VS. AMADOU KANE	Case No. CT2025-0013	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0364	Affirmed	Anders; guilty plea; sentencing; ineffective assistance of counsel Kane appealed his conviction and sentence after pleading guilty to kidnapping in Muskingum County, where he received a sentence of three to four and one-half years in prison. The charge stemmed from an incident at Dillon State Park where Kane assaulted and forcibly restrained his girlfriend. As part of a plea agreement, other charges were dismissed. Kane's appellate counsel filed an Anders brief, stating the appeal was frivolous, and Kane filed a pro se brief alleging ineffective assistance of counsel, claiming he was misled to believe he would receive probation. However, the appellate court found no evidence to support Kane's claim, noting that the plea hearing transcript and written plea agreement indicated no such promises were made. The court concluded the trial court properly followed sentencing guidelines and that Kane's sentence was lawful and not contrary to law. The appellate court granted counsel's motion to withdraw and affirmed the trial court's judgment.	Hoffman, J.	7/9/2025
Criminal	STATE VS. JEREMY RILEY	Case No. 2024CA00114	Appeal from the Stark County Common Pleas Court, Case No. 2023CR2584	Affirmed	Right to allocation; Nunc Pro Tunc Riley was convicted by a jury of failure to comply with the order or signal of a police officer, a third-degree felony, and was sentenced to 36 months in prison with a discretionary two-year post-release control period. He appealed, arguing that the trial court failed to provide him his right to allocation and that the sentencing entry incorrectly stated he had pled guilty instead of being convicted by a jury. The appellate court overruled both assignments of error, finding the trial court did give Riley and his attorney an opportunity to speak at sentencing, thus satisfying the requirement for allocation. The court also acknowledged a clerical error in the sentencing entry but deemed it harmless and not warranting reversal. The judgment of the trial court was affirmed.	Montgomery, J.	7/8/2025
Criminal	STATE VS. BLAKE BURGE	Case No. 2024 CA 0009	Appeal from the Morrow County Court of Common Pleas, Case No. 2023-CR-0082	Affirmed	Jury instruction limiting consideration of defendant's out-of-court statement that was introduced by the prosecution may have been erroneous, but the inclusion of that instruction did not create plain error at the defendant's trial Blake Burge was convicted of fourth-degree felony domestic violence after his former partner, A.A., testified that he assaulted her during an altercation. At trial, the jury viewed bodycam footage showing Burge's denial of the incident during his arrest. On appeal, Burge claimed the trial judge committed plain error by instructing the jury to consider his recorded statements only for demeanor—not as evidence of innocence. The Fifth District affirmed, holding that although the instruction was technically incorrect, any error was harmless due to strong supporting testimony from A.A. and the arresting officer. The court found no manifest miscarriage of justice.	Gormley, J.	7/9/2025
Criminal	STATE VS. JASON NEWLON	Case No. CT2025-0034	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2023-0126	Affirmed	Postconviction relief; untimely petition; vacate or set aside judgment; R.C. 2953.21; R.C. 2953.23; unavoidably prevented from discovering facts; ineffective assistance of counsel; Sixth Amendment; Res judicata Jason G. Newlon appealed the denial of his postconviction petition seeking to vacate his convictions for sexually abusing his two stepdaughters, for which he was serving a 66.5-year sentence. He argued the trial court erred by denying his petition without a hearing and claimed ineffective assistance of counsel. The Fifth District affirmed, finding the petition was filed late and failed to meet the legal standards for untimely postconviction relief. The court also held that Newlon's claims lacked supporting evidence, were barred by res judicata, and that the record clearly supported his convictions and trial counsel's effectiveness.	Montgomery, J.	7/9/2025
Criminal	STATE VS. RHONDA COOMES	Case No. 25 CA 001	Appeal from the Holmes County Court of Common Pleas, Juvenile Division, Case No. 22S134	Affirmed	Motion for substitute counsel; indigent right to counsel; abuse of discretion; Crim.R. 11; Plea colloquoy Rhonda Coomes appealed her 42-year prison sentence after pleading guilty to 14 counts of child endangering related to abuse at her in-home daycare. She argued the trial court erred by denying her request for substitute counsel before the plea hearing. The Fifth District affirmed, finding Coomes failed to provide good cause for new counsel or show a breakdown in communication. The court noted the request was untimely—made days before trial—and that Coomes proceeded voluntarily with the plea, confirmed her satisfaction with counsel, and showed no prejudice. The court concluded there was no abuse of discretion.	Popham, J.	7/11/2025
Civil	STARK METRO HOUSING AUTHORITY VS. SUMMERS	Case No. 2024 CA 00138	Appeal from the Canton Municipal Court, Case No. 2024 CVG 02770	Affirmed	No abuse of discretion occurred when continuance request was denied; appeals court could not address the merits of some issues raised by appellant where she failed to provide a trial court transcript Aleda Summers appealed the Canton Municipal Court's decision granting a writ of restitution to her landlord, Stark Metropolitan Housing Authority (SMHA), following her eviction for nonpayment of rent. Summers argued the court erred by denying her request to continue the hearing, by accepting a termination notice lacking required language, and by granting eviction without good cause or jurisdiction. The Fifth District affirmed, finding the continuance denial was not an abuse of discretion, the notice was sufficient, and Summers failed to provide a transcript or evidence to support her remaining claims.	Gormley, J.	7/8/2025

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Civil	CHAD LANTZ, ET AL. VS. MARY E. SMITH, ET AL.	Case No. 2024-CA-00164	Appeal from the Massillon Municipal Court, Case No. 2024-CVI-776	Affirmed	Homeowners who fed squirrels and other wildlife on their property created an absolute private nuisance and could be held liable for damage caused by squirrels on neighbor's property In Lantz v. Smith, Chad and Christyn Lantz sued their neighbors, Mary and Richard Smith, for private nuisance after continued wildlife feeding led to property damage caused by squirrels. Despite a prior nuisance judgment and agreement to stop feeding wildlife, the Smiths resumed the activity. The trial court found their conduct was intentional and unreasonable, awarding the Lantzes damages for repairs and deterrent measures. On appeal, the Fifth District affirmed the judgment, holding that the evidence supported the nuisance finding and the connection between the Smiths' conduct and the damage. Judge Hoffman dissented, arguing the evidence did not establish the elements of a private nuisance.	Gormley, J.	7/10/2025
Juvenile	IN THE MATTER OF: H.D.	Case No. 2025CA00029	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2024JC00600	Affirmed	Permanent custody Mother appealed the Stark County Court's decision to terminate her parental rights and grant permanent custody of her infant daughter, H.D., to Stark County Job and Family Services (SCJFS), arguing the decision was against the manifest weight of the evidence. The appellate court affirmed the trial court's judgment, citing substantial evidence of Mother's ongoing substance abuse, including multiple positive drug tests during pregnancy and after H.D.'s birth, H.D.'s withdrawal symptoms requiring NICU care and medication, and Mother's extensive criminal history. Mother had also previously lost custody of three children for similar reasons and failed to complete required case plan services, such as parenting assessments and home visits. Additionally, Mother had no contact with H.D. for six months and failed to show substantial compliance with her reunification plan. The court found that despite some testimony about a bond between Mother and H.D., the child's best interests were served by granting permanent custody to SCJFS, especially given H.D.'s stability in a foster home with a biological sibling and the prospective adoptive family.	Popham, J.	7/7/2025
Domestic Relations	MARIO DESENSI VS. JILL EPPLEY	Case No. 25 CA 001	Appeal from the Holmes County Court of Common Pleas, Juvenile Division, Case No. 22S134	Affirmed	Child support Mario Desensi appealed the Holmes County Juvenile Court's decision dismissing his objection to an administrative child support order requiring him to pay over \$2,200 per month. Desensi argued the trial court and agency improperly imputed income without finding he was voluntarily unemployed, failed to follow child support statutes, and should have ordered him to submit documentation. The Fifth District affirmed, finding Desensi provided no financial records to verify income as required by law, failed to meet his burden of proof, and that the agency acted within its authority by estimating income based on his prior business earnings.	Popham, J.	7/11/2025