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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. LONUT LAMANDITA	Case No. 2024 CA 00103	Appeal from the Licking County Court of Common Pleas, Case No. 2024 CR00488	Affirmed	Guilty plea; waive right to argue sufficiency and manifest weight of evidence on appeal; Trial Court sentence not contrary to law The appellant was indicted on seven charges, including Engaging in a Pattern of Corrupt Activity and multiple counts of Possessing Criminal Tools. The State dismissed Count Seven, and the appellant pled guilty to the remaining six counts during a plea hearing held the same day. He was sentenced to an indeterminate term of six to nine years for Count One and one year for each remaining count, all to be served concurrently. On appeal, the appellant challenged the sufficiency and weight of the evidence supporting Count One and claimed his sentence was contrary to law. However, the court found these arguments meritless, noting that a valid guilty plea waives the right to contest evidence sufficiency or weight. The court held that the sentence was within the statutory limits and appropriately considered sentencing principles and factors. All three of the appellant's assignments of error were overruled, and the trial court's judgment was affirmed.	Montgomery, J.	6/2/2025
Criminal	STATE VS. TRACY DOSTER	Case No. 2024 CA 0039	Appeal from the Richland County Court of Common Pleas, Case No. 2024 CR 0060N	Affirmed	Knowing; voluntary guilty plea; Crim.R. 11; sentencing factors; ineffective assistance of counsel; substitute counsel; indigent right to counsel Doster appealed the judgment after pleading guilty to burglary and misdemeanor theft. He was sentenced to four to six years in prison, ordered to pay \$75 in restitution, and given mandatory post-release control. Appellant argued his plea was invalid because his primary court-appointed attorney, Attorney Z, was absent due to illness, and he was instead represented by substitute counsel, Attorney D. However, the court found that Appellant was properly represented, and that he knowingly, intelligently, and voluntarily entered his plea following a thorough Criminal Rule 11 colloquy. Appellant expressed satisfaction with both attorneys and did not object to D's representation at the time. The court rejected Appellant's ineffective assistance claim, noting there was no demonstrated prejudice and that Z acted diligently by arranging for competent substitute counsel. Additionally, the court ruled that Appellant's sentence was lawful, finding the trial judge had properly considered relevant sentencing statutes and appropriately weighed both mitigating factors and Appellant's repeat offenses. The judgment was upheld in all respects.	Montgomery, J.	6/2/2025
Criminal	STATE VS. TRAVIS WILSON	Case No. 24CA000022	Appeal from the Guernsey County Court of Common Pleas, Case No. 24CR60	Affirmed	Consecutive sentences; R.C. 2929.14(C)(4); R.C. 2953.08(G)(2) Wilson appealed the judgment entry that sentenced him to nine months in prison for violating a protection order and ordered the sentence to be served consecutively to a separate nine-month sentence in Case No. 23-CR-81. Wilson argued that the consecutive sentencing violated R.C. 2929.14(C). However, the trial court determined that consecutive sentences were necessary to protect the public and appropriately punish Wilson, were not disproportionate to the seriousness of his conduct and the danger he posed, and that he committed one or more offenses while awaiting trial or sentencing.	Hoffman, J.	6/2/2025
Criminal	STATE VS. JOHN H. MACK, JR.	Case No. 2025-CA-0014	Appeal from the Richland County Court of Common Pleas, Case No. 2021-CR-0221R	Affirmed	R.C.149.43(B)(8) John H. Mack, Jr. appealed the denial of his motion to access trial records, arguing he needed them to prove the trial court failed to provide required notifications under Ohio's violent offender database law. The trial court denied the request, finding Mack had not shown a justiciable claim or that the records were necessary, especially since transcripts were already part of his pending direct appeal. The Fifth District affirmed, holding that Mack failed to meet the legal standard for incarcerated individuals requesting public records and that the trial court did not abuse its discretion.	Popham, J.	6/2/2025
Criminal	STATE VS. IVAN LESTER RA	Case No. 2024 CA 00115	Appeal from the Stark County Court of Common Pleas, Case No. 2024-CR-0765	Affirmed	Sufficiency of the evidence; ineffective assistance of counsel; consecutive sentences Ivan Lester Ray was convicted of multiple counts of aggravated arson after setting fire to his ex-wife's home, endangering her, her husband, and their two children. Surveillance videos showed a man matching Ray's description and clothing approaching and fleeing the scene, and a butane torch found at the scene had DNA consistent with Ray's. On appeal, Ray argued the verdict was unsupported by the evidence, that trial counsel was ineffective, and that his sentence was excessive. The Fifth District affirmed, finding the evidence sufficient, counsel's performance adequate, and the 28-to-31.5-year sentence properly supported and lawful.	Popham, J.	6/5/2025

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Criminal	STATE VS. JAVIER I SIDA	Case No. 2024 CA 00096	Appeal from the Stark County Court of Common Pleas Case No. 2024 CR 0533	Affirmed	Convictions for burglary; disrupting public services, and assault were supported by sufficient evidence and were not against the manifest weight of the evidence Javier Sida was convicted of burglary, disrupting public services, and two counts of assault after forcing his way into a townhouse and attacking an elderly couple. Sida punched and kicked the husband and struck the wife while she attempted to call 911, knocking her phone away. The victims identified Sida, whom they knew from prior encounters, and a witness provided the license plate of the vehicle he fled in. On appeal, Sida challenged the sufficiency and weight of the evidence and the denial of his motion for acquittal. The Fifth District affirmed, finding the evidence supported all convictions and the jury reasonably found Sida guilty despite some inconsistencies in witness testimony.	Gormley, J.	6/5/2025
Criminal	STATE VS. HAYAT ALADWAN	Case No. 24 CAA 10 0094	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 02 0094	Affirmed	Anders; sufficiency of the evidence; sentencing; robbery Appellate counsel for Aladwan filed a Motion to Withdraw and an Anders brief, stating that no meritorious grounds for appeal exist after Aladwan was convicted of robbery following a jury trial. The conviction stemmed from an incident at Macy's, where video and witness testimony showed Aladwan concealing a purse without paying and using force to resist apprehension, including biting and punching a store employee. Although Aladwan claims innocence and alleged prejudice or misunderstanding, the evidence supported the jury's verdict. At sentencing, the prosecutor mentioned an ongoing investigation into Aladwan for allegedly writing 63 fake prescriptions, though this conduct was uncharged. While counsel noted a potential due process concern regarding those comments, he acknowledged current Ohio law does not support that argument. Aladwan received community control and a 35-day jail sentence despite the State's request for prison time due to the felony's seriousness. Upon independent review, the appellate court agreed with counsel that no arguable issues exist for appeal.	Montgomery, J.	6/5/2025
Criminal	STATE VS. DARIUS D. WYNN	Case No. 24 CAA 09 0058	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CRI 12 0746	Affirmed	Crim R. 11; consecutive sentences The appellant was indicted on multiple serious charges, including Engaging in a Pattern of Corrupt Activity, Aggravated Murder, Felony Murder, Aggravated Robbery, Felonious Assault, and Attempted Murder, with most charges carrying firearm specifications. He ultimately pled guilty and was sentenced to an aggregate prison term of forty years to life, including mandatory and consecutive terms for various offenses and firearm enhancements. The court also imposed a mandatory post-release control term of two to five years. On appeal, the appellant argued that his guilty plea was not knowing, intelligent, or voluntary, claiming he needed more time to consider it. However, the record showed the trial court gave him the opportunity to consult with counsel further, which he declined, and his statements during the plea hearing showed no confusion. The appellate court found no merit in his claim. The appellant also challenged the imposition of consecutive sentences, arguing they were not supported by clear and convincing evidence. However, because he did not object at sentencing despite being given the opportunity, the appellate court reviewed the matter only for plain error and found none.	Baldwin, P.J.	6/5/2025
Criminal	STATE VS. JORDON J. BROWN	Case No. 2024 CA 00044	Appeal from the Fairfield County Municipal Court, Case No. 23-CRB-01095	Affirmed	Application to seal criminal record Brown appealed the Fairfield County Municipal Court's October 2, 2024 decision denying his request to seal the record of a dismissed criminal case. Brown argued the court abused its discretion, but the appellate court disagreed and affirmed the decision. The court found no evidence that the trial court acted unreasonably, arbitrarily, or unconscionably. The record showed the trial court properly considered arguments, reviewed briefs, and made a reasoned decision based on the case's unique circumstances. Brown's sole assignment of error was overruled.	King, J.	6/4/2025
Criminal	STATE VS. RONALD L. BATES	Case No. 2024CA0017	Appeal from the Coshocton County Court of Common Pleas, Case No. 2024CR0026	Affirmed	Having a weapon while under disability; insufficiency of evidence; manifest weight of the evidence; sentence; duty to order new PSI Bates appealed his conviction and 36-month prison sentence for having weapons while under disability, arguing the verdict was not supported by sufficient evidence and was against the manifest weight of the evidence. The appellate court disagreed, finding that Bates's Facebook messages, photographs of the guns, and his own admissions to police supported the jury's finding that he possessed the firearms. The court also upheld the sentence, rejecting Bates's claim that the trial court erred by not ordering a new presentence investigation report. The court found no legal requirement for a new report when a prior report is available, and concluded the sentence was not contrary to law. The conviction and sentence were affirmed.	Hoffman, J.	6/4/2025

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Civil	LAKEVIEW LOAN SERVICING, LLC VS. TOLUPOE ADEGUNJU	Case No. 2025 CA 00003	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CV 00219	Affirmed	Foreclosure Lakeview Loan Servicing, LLC sued Tolulope Adegunju for foreclosure after Adegunju defaulted on a promissory note and mortgage. The trial court granted Lakeview's motions for default judgment and summary judgment, entering a decree of foreclosure. On appeal, the Fifth District affirmed, upholding the trial court's decision to strike Adegunju's affidavit and memorandum (due to procedural deficiencies) and confirming Lakeview's standing to enforce the loan documents despite arguments related to securitization.	Popham, J.	6/5/2025
Civil	PROMOTIONAL ADVERTISING, INC., ET AL. VS. CS CREATIVE PROMOTIONS, LLC, ET AL.	Case No. 2024CA00107	Appeal from the Stark County Court of Common Pleas, Case No. 2022 CV 01341	Affirmed	Implied partnership Promotional Advertising, Inc., and Scott Cooper sued CS Creative Promotions, LLC, and Craig Sherman seeking a declaration that no partnership existed between them regarding "Paintball USA" and that the defendants had no interest in Promotional. The defendants counterclaimed, asserting a 50/50 partnership in "Paintball USA" and various related claims including breach of contract, unjust enrichment, and breach of fiduciary duty. The trial court granted summary judgment, finding no implied partnership existed and that "Paintball USA" was merely a tradename of Promotional Advertising, Inc. On appeal, the Fifth District affirmed the trial court's judgment, upholding the finding that no partnership was formed and that the defendants were properly compensated as independent contractors. The appellate court also affirmed the trial court's jurisdiction over the defendants.	Popham, J.	6/5/2025
Civil	JEANNETTE BERICK, ET AL. VS. ENGWILLER PROPERTIES, INC., ET AL.	Case No. 2024 CA 0047 : 2024 CA 0088	Appeal from the Richland County Court of Common Pleas, Case No. 2024 CV 0075 R.	Reversed and Remanded	Premises liability; motion to dismiss Jeanette and Daniel Berick sued Engwiller Properties and Swavory, LLC for negligence after Jeanette fell into an uncovered window well outside Swavory's storefront. The trial court dismissed the case, finding the hazard was open and obvious, and that the defendants owed no duty of care. On appeal, the Fifth District reversed, holding the complaint sufficiently stated a negligence claim and that unauthenticated photographs included in the pleadings could not be used to establish the hazard's obviousness at the dismissal stage. The case was remanded for further proceedings.	Baldwin, P.J.	6/2/2025
Juvenile	IN RE: J.C.	Case No. 2025 CA 00001	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case No. F2023-0183	Affirmed	Permanent custody; could not or should not be placed with parents and best interest findings are not against the weight o the evidence; kindhsip; care law only applies during temporary custody V.G. (Father) appealed the Licking County Juvenile Court's decision granting permanent custody of his child, J.C., to Licking County Job and Family Services. The child had been removed due to the parents' substance abuse, unstable housing, and neglect. Father argued the agency failed to explore kinship placement and that he had made progress on his case plan. The Fifth District affirmed, finding Father continued to use methamphetamine, lacked stable income and housing, and that the child was thriving in foster care. The court concluded permanent custody was in the child's best interest.	Hoffman, J.	6/2/2025
Probate	TROY DEVON LADD JR. VS. JACOB CORBIN STRONG	Case No. 24-CA-00011	Appeal from the Perry County Court of Common Pleas, Probate Division, Case No. 20235016	Affirmed	Adoption Troy Devon Ladd Jr. appealed the denial of his petition to reopen the step-parent adoption of his child by Jacob Corbin Strong, arguing he did not receive timely notice of the adoption hearing due to a prison mail delay. The trial court denied his petition, citing untimeliness and his failure to address the child support issue. The Fifth Appellate District affirmed, finding proper service was made to the prison and that Ladd failed to timely object or address the merits of the adoption, upholding the importance of expeditious adoption proceedings for the child's best interest.	Baldwin, P.J.	6/5/2025

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