



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. MICHAEL PONDEXTER	Case No. 24 COA 040	Appeal from the Ashland County Court of Common Pleas Case No. 24 CRI 250	Affirmed	Where a criminal defendant does not object to a trial judge's failure to merge two offenses at sentencing, the defendant bears the burden of demonstrating in an appeal a reasonable probability that the convictions are for allied offenses; the burden is not met when convictions are based on separate acts Pondexter appealed his convictions for strangulation and domestic violence, arguing the trial court should have merged the charges as allied offenses. He pled guilty to both after attacking his wife—strangling her and later chasing her with a van. Although the prosecutor suggested the charges could be merged, the judge imposed separate, concurrent sentences. On appeal, the court applied plain-error review because Pondexter had not raised the merger issue at trial. The court found the offenses were based on distinct acts and rejected Pondexter's claim, affirming the convictions.	Gormley, J.	6/23/2025
Criminal	STATE VS ROSCOE VANSICKLE	Case No. 2024 CA 0060	Appeal from the Licking County Court of Common Pleas, Case No. 23-CR-00817		Anders; suppression Vansickle appealed the denial of his motion to suppress, his conviction, and his sentence after pleading guilty to multiple drug possession charges, including fentanyl, methamphetamine, psilocyn, cocaine, and buprenorphine, as well as facing a major drug offender and forfeiture specification. The Licking County Court sentenced him to a minimum of ten years in prison. On appeal, his counsel filed an Anders brief, asserting potential errors, including the denial of the motion to suppress, ineffective assistance for not filing a speedy trial motion, and improper acceptance of his guilty plea. The court rejected all claims, noting that Vansickle waived many rights by pleading guilty, including challenges to suppression and speedy trial issues. His pro se argument that the court lacked jurisdiction due to law enforcement acting outside their county was also dismissed as meritless. The appellate court found no non-frivolous issues for review and deemed the appeal wholly frivolous under Anders.	Baldwin, J.	6/26/2025
Criminal	STATE VS. SHANE ALEKSIC	Case No. CT2024-0146	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0644	Affirmed Affirmed	Prison sentence was supported by the record and was not contrary to law where the length of the sentence was within the statutory range and the trial judge considered relevant statutory factors Shane Aleksic appealed his 18-month prison sentence after pleading guilty to firearm and drug charges, including having a weapon while under disability. He argued that the trial court failed to consider Ohio's sentencing purposes and that community control would have been sufficient. The Fifth District affirmed, finding the sentence was within the statutory range and supported by the record. The court noted that the trial judge reviewed the presentence report, considered the seriousness and recidivism factors, and was not required to state specific findings at the hearing.	Gormley, J.	6/25/2025
Juvenile	IN THE MATTER OF L.B. (GIRL); IN THE MATTER OF L.B. (BOY)	Case Nos. 2024CA00189	Appeal from the Stark County Common Pleas Court, Family Court - Juvenile Division, Case No. 2024JCV00736	Affirmed	Best interest; ICWA The maternal grandmother of fraternal twins L.B. (girl) and L.B. (boy), born in 2019 with special needs, appealed the Stark County Juvenile Court's decision granting permanent custody of the children to the county agency. She argued that custody should have been granted to her as a less restrictive option and challenged various procedural aspects of the case. However, the appellate court found her claims unsupported by citations to law, the record, or relevant authority, as required by court rules. Her arguments regarding best interest, compliance with guardian ad litem requirements, admissibility of testimony, and the Indian Child Welfare Act were all overruled. The court affirmed the trial court's decision in full.	Montgomery, J.	6/23/2025
Juvenile	IN THE MATTER OF L.B. (BOY)	Case No. 2024CA00188	Appeal from the Stark County Common Pleas Court, Family Court - Juvenile Division, Case No. 2023JCV00300	Affirmed	Best interest; ICWA L.B. (boy) has multiple diagnoses including autism, developmental delays, and speech and language disorders, and receives extensive therapies and medical care. His maternal grandmother, Appellant, who lives in New Jersey and was approved through a home study, sought custody. In her appeal, Appellant argued that the trial court erred in granting permanent custody of L.B. to the agency, claiming procedural violations and a failure by the guardian ad litem to comply with Superintendence Rule 48. The appellate court rejected these arguments, finding them unsupported by case law, statutes, or citations to the record as required by Appellate Rule 16(A)(7), and upheld the trial court's decision.	Montgomery, J.	6/23/2025

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Juvenile	IN THE MATTER OF L.B. (GIRL)	Case No. 2024CA00187	Appeal from the Stark County Common Pleas Court, Family Court - Juvenile Division, Case No. 2023JCV00299	Affirmed	Best interest; ICWA L.B. (girl) has been diagnosed with developmental delays, prematurity, speech and language disorder, and disruptive behavior, and is undergoing testing for autism. She receives speech and occupational therapy and is under the care of several medical specialists. Her maternal grandmother, Appellant, who lives in New Jersey and was approved through a home study, sought custody. In her appeal, Appellant argued that the trial court erred in granting permanent custody of L.B. to the agency, claiming procedural violations and a failure by the guardian ad litem to comply with Superintendence Rule 48. The appellate court rejected these arguments, finding them unsupported by case law, statutes, or citations to the record as required by Appellate Rule 16(A)(7), and upheld the trial court’s decision.	Montgomery, J.	6/23/2025
Civil	JAMES BLACK, PETITIONER VS. ANGELA HUNSIGER-STUFF, RESPONDENT	Case No. 2025 CA 0026	Richland County Writ of Habeas Corpus	Dismissed	Writ of Habeas Corpus James Black filed a petition for habeas corpus, claiming he was unlawfully imprisoned due to delay in sentencing, tampering with records, due process violations, and newly discovered evidence. The Fifth District dismissed the petition, finding that Black had been properly sentenced in 2004, his maximum sentence had not expired, and his claims—such as sentencing errors and due process violations—were not grounds for habeas relief. The court also noted Black had other legal remedies available and was not entitled to immediate release.	Montgomery, J.	6/23/2025
Domestic Relations	SARANYA JAYABALAJI VS. JAYABALAJI MANICKAM DHARUMAN	Case No. 24 CAF 09 0059	Appeal from the Delaware County Court of Common Pleas, Domestic Relations Division, Case No. 23 DRA 01 0023	Affirmed	Divorce; duration of marriage; financial misconduct; property division; no transcript filed with objections Jayabalaji Manickam Dharuman appealed a Delaware County divorce decree, challenging the marriage termination date, a \$35,000 distributive award for financial misconduct, a \$25,000 attorney fee award, and the division of marital property. The Fifth District affirmed, noting Dharuman failed to file a transcript of the magistrate hearings, limiting appellate review to legal conclusions based on the existing record. The court found no abuse of discretion in any of the trial court’s rulings, including its findings of financial misconduct, equitable property division, and attorney fee award.	King, J.	6/26/2025

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues			Author	Date of Judgment Entry
-----------	--------------	------------	-------------------------	----------	-------------------	--	--	--------	------------------------