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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. BRENT ELLIOT	Case No. 2024CA0021	Appeal from the Coshocton County Court of Common Pleas, Case No. 23 CR 0098	Affirmed	Defender's right to allocution Elliot appeals his sentence for kidnapping, arguing that the trial court violated his right to allocution by not allowing him to speak after the State and the victim made their statements. He was sentenced to an indefinite term of eight to twelve years. However, neither he nor his attorney objected during sentencing. He failed to prove that the victim's or State's statements introduced new material facts unknown to him before sentencing or that the court improperly relied on those statements in determining his sentence.	Montgomery, J.	3/10/2025
Criminal	STATE VS. ANTON NASH	Case No. 2024CA00042	Appeal from the Stark County Court of Common Pleas, Case No. 2023CR2206	Affirmed	Criminal appeal; discretionary transfer to adult court; amenability; ineffective assistance of counsel; sentencing review; standard of review; juvenile courts Nash appeals his conviction and sentence for two counts of felonious assault with firearm specifications following a plea agreement after his case was transferred to adult court. He received a 12-to-15-year sentence. Nash argues the trial court abused its discretion in transferring him to adult court, claiming he was amenable to treatment in the juvenile system. However, the court found the transfer was supported by the evidence and did not violate constitutional provisions. Nash also claims ineffective assistance of counsel, asserting his attorney improperly stipulated to the amenability report instead of challenging it. The court rejected this argument, noting his attorney secured a plea deal that dismissed a more serious charge of attempted murder. Nash contends the sentencing judge failed to consider his youth and mitigating factors, but the court found no plain error, concluding he received a favorable outcome given the circumstances.	Montgomery, J.	3/10/2025
Criminal	STATE VS. DAVID A. MROCZKA	Case No. 2024CA0056	Appeal from the Richland County Court of Common Pleas, Case No. 2024-CR-0034R	Affirmed	Sentencing third degree felony Mroccka was indicted for failing to comply with a police order, causing a substantial risk of harm, a third-degree felony. He was sentenced to 30 months in prison, two years of discretionary post-release control, and a ten-year driver's license suspension. By pleading guilty, he admitted to creating a serious risk of harm. The judge's sentence was within the legal range and complied with sentencing rules, making it legally valid despite Mroccka's disagreement with the weight given to certain factors.	Popham, J.	3/13/2025
Criminal	STATE VS. SCOTT BODE	Case No. 24 CAA 06 0038	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CRI 120740	Affirmed	Suppression Appellant indicted on multiple drug possession charges, each with firearm and major drug offender specifications, as well as receiving stolen property with a firearm specification. He was found guilty and sentenced to 11 years in prison, plus one consecutive year for the firearm specification and six consecutive years for the major drug offender specification. The appellant challenged the search warrant for his hotel room, arguing it lacked probable cause. However, law enforcement linked him to a stolen firearm recovered from a woman at a traffic stop, found evidence of drug activity in his abandoned hotel room, and confirmed his stay at another hotel. Given these factors, the court determined there was probable cause for the search.	Baldwin, P. J.	3/10/2025
Juvenile	IN THE MATTER OF: R.R.	Case No. 2024 CA 0093	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case F2023-0382	Affirmed	Permanent custody The Appellant-Mother appealed the judgment granting permanent custody of her son, R.R., to the LCDJFS, arguing that the trial court's decision was against the manifest weight of the evidence. Pursuant to R.C. 2151.414(B)(1), (B)(1)(a), (E), (E)(1), and (E)(2), the court found that Mother failed to remedy her drug addiction, which led to R.R.'s removal from her care. She did not comply with the requirements of her case plan, lost contact with the agency, and was absent for an extended period. R.R.'s Father was convicted of four felony charges and remains incarcerated in state prison until November 2030. Additionally, both Mother and Father demonstrated a lack of commitment to R.R. by failing to provide consistent support or visitation.	Gormley, J.	3/6/2025
Juvenile	IN RE: K.B.	Case No. 2024CA00112	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2022JCR01242	Reversed and Remanded	Victim not notified of hearing R.H. appeals the decision denying the State's motion to impose a previously suspended one-year Department of Youth Services (DYS) commitment for K.B., who had been adjudicated delinquent for rape and placed on community control. While on probation, K.B. was charged with new offenses, prompting the State to seek imposition of the suspended sentence. However, the trial court denied the motion without providing R.H., the victim, or her representative with notice or an opportunity to be heard. R.H. argued that this violated her rights under Ohio's Marsy's Law and statutory provisions requiring victim notification. The Court of Appeals agreed, finding the trial court erred as a matter of law and reversing the decision, remanding the case for further proceedings.	Popham, J.	3/13/2025

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Juvenile	IN THE MATTER OF: A.W.	Case No. 2024CA00060	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2021 DEP 00200	Affirmed	Permanent court commitment; best interests of child; permanent custody; reunification; reasonable efforts; R.C. 29 Appellant-mother, S.W., appealed the trial court’s decision granting permanent custody of A.W. to the RCCSB, arguing that the ruling was against the manifest weight of the evidence. However, upon review, the record indicated that both parents failed to address the conditions that led to A.W.’s removal. Evidence showed that A.W. suffered from nutritional deficiencies, was exposed to acts of violence by her father, and tested positive for marijuana at just three years old following an overnight visit with her parents. Appellant-mother failed to recognize A.W.’s need for occupational, physical, and speech therapy—needs that her foster parents promptly identified and addressed. Since entering foster care, A.W. has bonded with her foster family and shown significant improvement through therapy. The Court of Appeals affirmed the trial court’s decision.	Montgomery, J.	3/12/2025
N/A	STATE V. SABRINA GARY	Case No. CT2024-0077	Appeal from the Muskingum County Common Pleas Court, Case No. CR2024-0088	Affirmed	Sufficiency of evidence; manifest weight of evidence; strangulation; serious physical harm; substantial risk of harm; bench trial Gary appeals her convictions for child endangerment and strangulation and sentenced to 30 months in prison, arguing that the evidence was insufficient and that the trial court improperly weighed conflicting testimony. She contends there was no basis to find she created a substantial risk of serious physical harm. However, the appellate court disagrees, citing substantial evidence supporting the trial court’s findings. The court notes inconsistencies in Gary’s own statements, including her admission to physically disciplining the victim versus her trial testimony downplaying the incident. Concluding that the elements of strangulation were met, the court upholds the convictions and rejects Gary’s appeal.	Montgomery, J.	3//13/2025