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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. JEREMY KONKLER	Case No. 24CA000001	Appeal from the Guernsey County Court of Common Pleas, Case No. 23-CR-77	Affirmed	Trial court did not rely on detective's opinion as to appropriate sentence to impose upon appellant Konkler appealed his 50-year prison sentence, arguing that the trial court improperly allowed a lay witness, Detective Patterson, to advocate for the maximum sentence. However, the appellate court found no indication that the trial court was unduly influenced by the detective's statements. The court had thoroughly reviewed all relevant materials, including the presentence investigation, victim impact statements, and legal considerations. It also cited Konkler's lack of remorse and the harm caused to the victim and their household. Concluding that the sentence was justified, the appellate court overruled Konkler's appeal. Plain error review of community-control condition.	Hess, J.	3/3/2025
Criminal	STATE VS. VANESSA BRIGHT	Case No. 2024CA00116	Appeal from the Court of Common Pleas of Stark County 2024 CR 0911	Affirmed	Bright was sentenced to community control for felony assault in Stark County, with conditions prohibiting drug and alcohol use and barring her from bars. She argued these conditions were unrelated to her crime and should be removed. However, since she did not object at sentencing, the appellate court reviewed for plain error and found none. Anders; guilty plea; sentencing	Gormley, J.	3/3/2025
Criminal	STATE VS. RONALD RILEY, JR.	Case No. CT2024-0091	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0174	Affirmed	Riley, Jr. appealed his eight-year sentence after pleading guilty to domestic violence, abduction with a firearm specification, and strangulation in Muskingum County. After an independent review, the appellate court agreed with his counsel that no meritorious claims existed for appeal. Declaring the appeal frivolous under Anders, the court granted counsel's request to withdraw and affirmed the judgment.	Hoffman, J.	3/3/2025
Criminal	STATE VS. BRANDON PERCY	Case No. 2024 CA 0006	Appeal from the Richland County Court of Common Pleas, Case No. 2022 CR 0702	Affirmed	Sufficiency; manifest weight Percy appealed his convictions, arguing they were against the manifest weight and sufficiency of the evidence, particularly because the state's case portrayed him as the principal offender rather than proving complicity. However, the appellate court found sufficient evidence showing Percy's involvement in the shooting, including his possession of a gun, statements made before and after the incident, participation in the chase, hiding of evidence, and bragging about the crime. Concluding that his convictions were supported by the evidence, the court overruled his assignments of error and upheld the judgment. Sufficiency of evidence regarding deadly weapon	King, J.	3/4/2025
Criminal	STATE VS. DWIGHT MILLER	Case No. 24CA008	Appeal from the Court of Common Pleas of Holmes County 23 CR 080	Affirmed	Miller appeals his conviction for felonious assault, arguing that the verdict was not supported by sufficient evidence and was against the manifest weight of the evidence. He contends that the state failed to prove the shovel used in the assault constituted a deadly weapon. However, under R.C. 2923.11(A), the trial court found that Miller intended to strike his neighbor, W.D., in the head with the shovel, but W.D. blocked the blow with his forearm, sustaining a gash. The trial judge determined, based on the evidence, that the shovel qualified as a deadly weapon. W.D.'s testimony was consistent with photographic evidence of his injury. Finding the conviction supported by the evidence, the Court of Appeals affirmed the trial court's judgment.	Gormley, J.	3/4/2025
Criminal	STATE VS. EQUAWN CRAWFORD	Case No. CT2024-0078	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2023-0806	Affirmed	Anders Defendant Crawford challenged his conviction for aggravated trafficking in methamphetamine with a firearm specification, arguing that his guilty plea was involuntary, the evidence was obtained through an illegal search, and the trial court improperly imposed a mandatory indefinite sentence. Crawford was stopped for a traffic violation, during which officers discovered a firearm and narcotics on his person. He initially moved to suppress the evidence but later withdrew the motion and entered a plea agreement. The Court of Appeals found that Crawford's plea was knowing and voluntary, that he forfeited his suppression claim by not pursuing it, and that his sentence complied with Ohio law. Accordingly, the appellate court affirmed the trial court's decision and deemed the appeal frivolous under Anders v. California.	King, J.	3/5/2025
Criminal	STATE VS. KENNETH LEWIS	Case No. 24 CAA 11 0095	Appeal from the Delaware County Court of Common Pleas, Case No. 20CR I 08 0555	Affirmed	Post-conviction relief denied Lewis was convicted of aggravated robbery and kidnapping in connection with a 2020 pawn shop robbery and sentenced to 33 to 38.5 years in prison. His appeals, citing evidentiary issues, legal insufficiency, and sentencing errors, were denied, with the Court of Appeals affirming his conviction in 2022. Lewis later filed multiple postconviction motions, arguing due process violations, ineffective assistance of counsel, and jurisdictional issues, but these were rejected as untimely and barred by res judicata. The trial court denied his latest motions in 2024, and the Court of Appeals upheld the decision, ruling that Lewis failed to present new evidence or justify reconsideration of previously litigated claims.	King, J.	3/5/2025

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Criminal	STATE VS. BRANT JORDON, JR	Case No. 2024 CA 0003	Appeal from the Court of Common Pleas of Morrow County 2023 CR 0121	Affirmed	Sufficiency of evidence in police investigation Jordan Jr. challenged his conviction on multiple felony charges, including possession of child pornography. Jordan argued that his convictions were not supported by the manifest weight of the evidence, asserting that the jury erred in resolving an alleged conflict regarding the identity of the individual who downloaded the suspected child pornography. Jordan did not testify at trial but claimed that Detective Coulter's testimony created an evidentiary conflict regarding identity. Detective Coulter received a report from Verizon indicating that Jordan was the operator of the devices in question and found him connected to child pornographic WhatsApp groups. Based on the evidence presented, the jury could reasonably conclude that Jordan was the individual who downloaded the images. The Court of Appeals affirmed the trial court's decision.	Gormley, J.	3/5/2025
Criminal	STATE VS. MICHAEL CALHOUN	Case No. CT2024-0075	Appeal from the Court of Common Pleas of Muskingum County, Case No. CR2024-0034	Affirmed	Anders Calhoun pled guilty to felony tampering with evidence and received a 36-month prison sentence, as recommended in his plea agreement. The trial judge properly conducted the plea hearing, ensuring Calhoun understood his rights, the charge, and the sentence. No presentence report was requested, and the judge imposed the agreed-upon sentence after allowing input from both parties. The judge also addressed and reasonably dismissed Calhoun's concerns about his appointed counsel. Calhoun was denied jail-time credit since he was already serving a separate sentence. The appellate court agreed with Calhoun's attorney that any appeal would be frivolous.	Gromley, J.	3/6/2025
Criminal	STATE VS. DAKOTA G. BENDER	Case No. 2024CA0019	Appeal from the Coshocton County Court of Common Pleas, Case No. 23 CR 0059	Affirmed	Right to respond to Victim Impact Statement; R.C. 2930.14 Bender appealed his conviction and 54-month sentence for unlawful sexual conduct with a minor, arguing that he was denied the right to respond to the victim impact statement read at sentencing. He claimed that if this right was denied, resentencing was necessary. However, the court determined that the statement did not introduce new material facts that influenced sentencing and that Bender had an opportunity to respond but failed to do so. The court found no grounds for resentencing.	Hoffman, P.J.	3/6/2025
Criminal	STATE VS. KAMERON D. SKALLY	Case No. 2024 CA 00089	Appeal from the Licking County Court of Common Pleas, Case No. 2018-CR-00830	Affirmed	Denial of motion for appointment of court appointed counsel; denial of motion for preparation of transcript The appellant was indicted on multiple charges, including aggravated murder, murder, tampering with evidence, and a firearm specification. After pleading guilty, he was sentenced to an aggregate term of 28 years to life. He later sought to withdraw his guilty plea, arguing that the trial court should have appointed appellate counsel and provided transcripts at public expense. However, he failed to file a timely appeal within 30 days of sentencing and was denied multiple motions for leave to appeal. The court found no fundamental flaw or miscarriage of justice in his representation and ruled that he had no right to a transcript at public expense, affirming the denial of his claims.	Baldwin, P.J.	3/6/2025
Civil	RACHEL R. HAYS VS. CHRISTOPHER COYLER	Case No. 2024CA00113	Appeal from the Stark County Court of Common Pleas, Case No. 2024MI00080	Affirmed	Protection order; stalking; pattern of conduct; mental distress Colyer appeals the decision granting a Civil Stalking Protection Order (CSPO) in favor of Hays. Hays alleged that after their breakup, Colyer engaged in persistent stalking behavior, including excessive texts, phone calls, and unannounced visits, causing her fear and emotional distress. Colyer argues that Hays voluntarily rekindled contact, that the trial court improperly relied on a lack of rebuttal evidence, and that the time gap between incidents and the CSPO issuance undermined its validity. However, the court found that Colyer's repeated conduct, despite Hays' clear objections, constituted a pattern of stalking. Because Hays met her burden of proof by a preponderance of the evidence, the Court of Appeals affirmed the trial court's issuance of the CSPO under R.C. 2903.214.	Montgomery, P.J.	3/3/2025
Civil	WESTERN RESERVE GROUP, ET AL. VS. NICHOLE L. SHINGLER, ET AL.	Case No. 2024CA00135	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CV 00331	Affirmed	Summary judgment; Dram Shop Act Liability; R.C. 4399.18 Western Reserve Group appeals the summary judgment dismissing its complaint against The Basement, LLC, dba The Basement Sports Bar & Grill. Western Reserve alleged that The Basement unlawfully served alcohol to Shingler after she became visibly intoxicated. Employees Prunty and Muiter testified that while Shingler appeared intoxicated—stumbling, slurring her words, speaking loudly, and looking disheveled—they did not serve her alcohol after that point. Western Reserve argued that drinks on Shingler's bar tab, which Prunty and Muiter did not recall serving, suggested she was served while intoxicated. However, the court found this argument speculative and unsupported by evidence. Because no evidence contradicted The Basement's assertion that Shingler was not served alcohol after becoming visibly intoxicated, the Court of Appeals affirmed the trial court's dismissal of the claim under R.C. 4399.18.	Hoffman, P.J.	3/3/2025

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Civil	RD OF EDUCATION, ET AL.	Case No. 2024 CA 0019	Appeal from the Richland County Court of Common Pleas, Case No. 2019-CV-0711	Affirmed	Hostile work environment; intentional infliction of emotional distress DeVito appeals the decision granting summary judgment in favor of the Clear Fork Valley Local Schools Board of Education, dismissing her claims of defamation, retaliation, invasion of privacy, intentional infliction of emotional distress, and hostile work environment. She was terminated as principal following an investigation that found she falsified teacher evaluations, a decision upheld through administrative and judicial review. DeVito argues the trial court erred by denying her motions to compel discovery and extend deadlines, as well as by dismissing her claims despite evidence of discrimination and misconduct. However, the court found her claims either procedurally barred, unsupported by sufficient evidence, or not rising to the level of actionable offenses. DeVito failed to demonstrate genuine issues of material fact to prevent summary judgment.	Popham, J.	3/6/2025
Juvenile	IN THE MATTER OF: S.P.	Case No. 2024CA00201	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case 2023JCV01134	Affirmed	Permanent custody Appellant challenged the decision terminating her parental rights and granting permanent custody of S.P. to SCJFS. She argued that the trial court's findings under R.C. 2151.414(B)(1)(a) were not met and that the decision was against the manifest weight of the evidence. However, she failed to remedy the conditions that led to S.P.'s removal. At the time of the hearing, she was living in a homeless shelter and did not demonstrate how it would provide a stable environment for S.P. She also continued to test positive for amphetamines and did not complete her case plan. Although she attended all visitations, she was neither engaged nor attentive with S.P. Meanwhile, S.P. is thriving in her current foster home and wishes to remain there long-term, despite fears of abandonment. In her foster placement, S.P. now has the permanency and stability she lacked with her mother.	Popham, J.	3/6/2025
Juvenile	IN THE MATTER OF: C.K.	Case No. 2024CA00200	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2023JCV01133	Affirmed	Permanent custody Appellant challenged the decision terminating her parental rights and granting permanent custody of C.K. to SCJFS. She argued that the trial court's findings under R.C. 2151.414(B)(1)(a) were not met and that the decision was against the manifest weight of the evidence. However, she failed to remedy the conditions that led to C.K.'s removal. At the time of the hearing, she was living in a homeless shelter and did not demonstrate how it would provide a stable environment for C.K. She also continued to test positive for amphetamines and did not complete her case plan. Although she attended all visitations, she was neither engaged nor attentive with C.K. Meanwhile, in his third-party kinship placement, C.K. formed a bond with his caregivers and gained the stability he lacked with his mother. The Court of Appeals affirmed the trial court's decision.	Popham, J.	3/6/2025