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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
Civil	FINCON DEVELOPERS, LTD, ET AL. VS. DELAWARE TOWNSHIP BOARD OF TRUSTEES	Case No. 24 CAE 07 0046	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CV H 04 0339	Affirmed	Certification of petition for zoning referendum Fincon Developers and Padmanabhareddy Iragamreddy sued the Delaware Township Board of Trustees after it certified a citizen referendum petition challenging the rezoning of their property. They argued the petition was invalid and sought injunctive relief, declaratory judgment, and a writ of mandamus. The trial court dismissed the claims as either moot or legally insufficient, noting the Board of Elections had already rejected the petition. The Fifth District affirmed, finding the trustees' certification role is limited to a facial review and does not include determining full legal compliance, which is the Board of Elections' responsibility.	Popham, J	5/12/2025
Civil	MYRMIDON FARMS, LLC, ET AL. VS. DELAWARE COUNTY BOARD OF COMMISSIONERS	Case No. 24 CAE 08 0054	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CVF 08 0631	Affirmed	Retroactive; retroactively; amendment to statute; administrative appeal; statutory appeal; mandatory requirements; subject matter jurisdiction; appellate review of motion to dismiss for lack of subject matter jurisdiction Myrmidon Farms, LLC appealed the dismissal of their challenge to a Delaware County ditch project, arguing they complied with updated appeal procedures that no longer required a bond. However, since the original petition was filed in 2016—before the law changed—the trial court applied the prior version, which required a bond to perfect the appeal. The Fifth District affirmed, holding the amendments did not apply retroactively and that the court lacked jurisdiction due to the appellants' failure to meet the earlier statutory requirements.	Montgomery, J.	5/8/2025
Civil	ISAAC CHESTER #791-522 VS. ANGELA HUNSINGER-STUFF	Case No. 2025 CA 0025	Writ of Habeas Corpus from Richland County	Dismissed	Writ of Habeas Corpus Chester alleges he is being unlawfully imprisoned by Angela Hunsinger-Stuff at the Richland Correctional Institution and seeks a court hearing and immediate release. However, the court finds he is not entitled to habeas corpus relief and grants Hunsinger-Stuff's motion to dismiss under Civil Rule 12(B)(6). Chester's current petition challenges the same sentence and raises additional issues that were or could have been raised in his earlier petition (case 2024 CA 0007). Therefore, the doctrine of res judicata bars the current petition.	King, J.	5/15/2025
Criminal	STATE VS. JOSHUA CRISP	Case No. 2024 CA 00057	Appeal from the Licking County Court of Common Pleas, Case No. 2023 CR 00864	Affirmed	Anders Joshua Crisp pled no contest to drug possession, trafficking, and paraphernalia charges after meth and related items were found during a warranted search. He challenged the search warrant due to a corrected address, but the trial court denied his motion to suppress. Crisp was sentenced to two to three years in prison. On appeal, his attorney filed an Anders brief, and the Fifth District affirmed, finding no meritorious issues and that the warrant, plea, and sentence were all valid.	Baldwin, P.J.	5/13/2025
Criminal	STATE VS. GIAVONNI SHRIVER	Case No. 2024CA00143	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR0763	Affirmed	Manifest weight/sufficiency; sentencing Giaavonni Shriver was convicted of strangulation, aggravated menacing, and criminal damaging after assaulting his pregnant ex-girlfriend during an argument. He was sentenced to 36 months in prison. On appeal, he argued the evidence was insufficient, the conviction was against the manifest weight of the evidence, and the sentence was excessive. The victim testified that Shriver placed her in a chokehold, causing her to struggle to breathe, see spots, and fear losing consciousness—testimony supported by visible marks on her neck documented by police. Despite minor inconsistencies, the jury found her credible. The Fifth District affirmed, finding the victim's testimony credible, the evidence legally sufficient, and the sentence within statutory guidelines and supported by the record.	King, J.	5/15/2025
Criminal	STATE VS. SHONDA MEDLEY	Case No. 25 CAC 010007 25 CAC 010008	Appeal from the Delaware County Municipal Court, Case Nos. 24CRB01028 and 24TRC08833	Affirmed	Untimely motion to suppress Shonda Medley appealed the Delaware Municipal Court's denial of her motion to file a late motion to suppress evidence following her OVI and child endangering charges. She argued the motion was delayed due to her attorney's trial schedule and late discovery of potential Brady material. The trial court rejected her claim, finding no good cause for the delay, as the relevant dash cam video was provided well in advance and formed the sole basis of her suppression motion. The Fifth District affirmed, holding the trial court did not abuse its discretion in denying the untimely motion.	Popham, J.	5/14/2025

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Juvenile	IN THE MATTER OF L.T.	Case No. 2024CA00203	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2022JCV01059	Affirmed	Permanent custody; best interest of child; application of Indian Child Welfare Act L.W. appealed the grant of permanent custody of his child, L.T., to Stark County Children Services, arguing legal custody to a relative was a better option and that the court failed to follow the Indian Child Welfare Act. The Fifth District affirmed, finding sufficient evidence supported the custody decision due to abandonment and mental health issues, and that there was no indication the child qualified for tribal protections under the Act.	Hoffman, P.J.	5/12/2025