



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. BRADLEY DANTZ	Case No. 2024 CA 00087	Appeal from the Stark County Court of Common Pleas, Case No. 2023 CR 2755	Affirmed	Sufficiency; manifest weight; sentencing Dantz appealed his conviction for theft from a protected person, arguing that the verdict lacked sufficient evidence and was against the manifest weight of the evidence. The court found the jury's verdict legally supported and concluded that a rational jury could have found him guilty beyond a reasonable doubt. His claims were therefore without merit. Dantz also argued that his sentence was unlawfully harsh due to alleged judicial vindictiveness for going to trial. However, he did not object at sentencing despite being given the opportunity, and the court found the sentence was within legal guidelines and not a result of plain error.	Baldwin, P.J.	5/5/2025
Criminal	STATE VS. OCTAVIUS BEAL	Case No. 2024CA00085 2024CA00086	Appeal from the Canton Municipal Court, Case Nos. 2024 CRB 423 & 2024TRD00518	Affirmed	Failure to disclose personal information; pedestrian walking in roadway Octavius Beal was convicted in Canton Municipal Court of failure to disclose personal information and walking in the roadway after an early morning encounter with police. An officer observed Beal walking in the middle of the street and lawfully detained him for a pedestrian violation, but Beal repeatedly refused to provide his full identity until after he was arrested. He was acquitted of obstructing official business but convicted of the other charges. On appeal, Beal argued that the evidence was insufficient and the conviction was against the manifest weight of the evidence. The Fifth District affirmed, finding the officer had reasonable suspicion to detain Beal and that the jury's verdict was supported by the evidence, including body and traffic camera footage.	Popham, J.	5/8/2025
Criminal	STATE VS. RAHEEM GORDON	Case No. 2024CA00157	Appeal from the Stark County Court of Common Pleas, Case No. 2025CR0501	Affirmed	Manifest weight; sufficiency of the evidence; possession of drugs; R.C. 2925.11(A); having weapons under disability; R.C.2923.12(A); constructive possession Raheem Gordon was convicted by a jury of aggravated possession of drugs, possession of cocaine, possession of a fentanyl-related compound, and having weapons while under disability, following a traffic stop in which drugs and a loaded firearm were found beneath and near the passenger seat where he was sitting. Gordon argued on appeal that the evidence was insufficient and that his convictions were against the manifest weight of the evidence since he did not admit ownership of the drugs or firearm. The Fifth District affirmed, finding that the proximity of the contraband to Gordon supported constructive possession, and that the jury reasonably inferred guilt from the circumstances.	Hoffman, J.	5/8/2025
Criminal	STATE VS. JEREZ S. MAYWEATHER	Case No. 2024 CA 00087	Appeal from the Licking County Court of Common Pleas, Case No. 24 CR 233	Affirmed	Possession; trafficking cocaine; other acts evidence; premature finding of guilt; manifest weight; sufficiency of the evidence Jerez S. Mayweather was convicted in a bench trial of first-degree felony possession and trafficking in cocaine after law enforcement found over 27 grams of cocaine on his girlfriend during a traffic stop and linked him to ongoing drug trafficking activity. He was sentenced to eight to twelve years in prison. On appeal, Mayweather challenged the admission of prior drug activity as improper "other acts" evidence, alleged judicial bias due to a premature guilty finding, and argued that drug weights were improperly aggregated. The Fifth District affirmed the conviction, holding that the evidence was admissible to show knowledge and intent, the judge's misstatement was promptly corrected, and the drug weight alone from the traffic stop was sufficient to support the conviction.	Hoffman, J.	5/8/2025
Domestic Relations	SCOTT A. WILLS VS. EMILY E. WILLS	Case No. 2024CA00018	Appeal from the Coshocton County Court of Common Pleas, Domestic Relations Division, Case No. 23DV0108	Affirm in Part and Remand in Part	Agreed joint stipulation; financial misconduct; award of attorney fees The appellant challenged several aspects of a trial court's judgment in a property and divorce dispute. The appellate court agreed that the trial court erred in awarding two specific properties (22929 and 0 Township Road 1193) to the appellee, as this violated the parties' agreed stipulations. However, the court upheld the trial court's finding that the appellant committed financial misconduct by improperly transferring vehicles to his brother during the divorce process, depriving the appellee of \$18,250 in marital assets. The court also upheld the trial court's award of \$4,000 in attorney fees to the appellee, finding that the appellant's conduct unnecessarily prolonged litigation. The case was remanded solely for the trial court to determine a proper method of awarding the appellee her distributive share without violating the parties' prior agreement.	Montgomery, J.	5/5/2025

Case Type	Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
Civil	VIVIAN OEFFNER VS. MARC GLASSMAN, INC.	Case No. 2024CA00110	Appeal from the Stark County Court of Common Pleas, Case No. 2023CV00687	Affirmed	Premises liability; class action certification In this case, the appellant challenged the trial court’s decision granting summary judgment in favor of the appellee (store owner) regarding a premises liability claim related to an automatic door. The trial court ruled the store had no duty to the appellant because it had no actual or constructive notice of any defect, and the condition of the door was open and obvious. The appellant argued that the store’s failure to perform yearly certified inspections constituted constructive notice, but the court rejected this, noting it would impose an improper strict liability standard. Video evidence showed the door was improperly pushed by another customer just minutes before the appellant’s incident, supporting the finding that other causes, not the store’s negligence, were equally likely. The court also rejected the appellant’s attempt to apply res ipsa loquitur, since multiple patrons had contact with the door. Appellant’s class action claim was dismissed as not justiciable; she lacked standing and failed to show typicality or adequacy for class representation due to her claimed “special injury.” Several other appellate claims were dismissed for failure to comply with procedural rules (Appellate Rule 16(A)(7)), including arguments related to sanctions, expert reports, and denied discovery. The trial court’s decision to stay class discovery was upheld as reasonable.	Popham, J.	5/5/2025
Civil	AUTOVEST, LLC VS. TRACY PARR	Case No. 2024CA00181	Appeal from the Stark County Common Pleas Court, Case No. 2000CV00974	Affirm in Part, Reverse in Part and Remand in Part	Requirement of affidavit of garnishment The appellate court found that the trial court properly dismissed the garnishment order filed on February 12, 2024. However, it also held that the Appellant was not required to file an annual garnishment affidavit under R.C. 2716.031(A), as that duty applies only to judgment creditors—and the Appellant was not established as such. The court further ruled that the trial court improperly assessed poundage (fees) against the Appellant, who is not a judgment debtor, and that it erred by modifying the interest rate and staying post-judgment interest during a garnishment hearing, which should have been limited to evaluating the debtor’s personal earnings.	Montgomery, J.	5/5/2025
Civil	DON MOULD VS. DR. DANIEL BURWELL	Case No. 2024 CA 0090	Appeal from the Richland County Court of Common Pleas, Case No. 23 CV 377R	Dismissed	Dismissal without prejudice; no final appealable order The appellate court dismissed Don Mould’s appeal of the trial court’s dismissal of his declaratory judgment action against Dr. Daniel Burwell. Since the trial court dismissed the case without prejudice and Mould can still refile within the ten-year statute of limitations (the claim arose in 2019), the dismissal is not a final appealable order. As a result, the appellate court lacks jurisdiction to hear the appeal.	King, J.	5/6/2025

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