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Ohio Fifth District Court of Appeals Case Summaries

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
State v. Bradley	2025CA00007	Appeal from the Stark County Court of Common Pleas, Case No. 2024-CR-1371	Affirmed	Manifest weight; Ineffective assistance of counsel Branden Bradley, also known as Branden McElroy, appealed his January 3, 2025 conviction and 30-month prison sentence from the Stark County Court of Common Pleas following a jury trial for third-degree felony domestic violence. The charges arose from a June 17, 2024 incident in which witnesses C.P. and S.P. observed Bradley arguing with his partner, X.F., pushing her, and attempting to hit her with his SUV before throwing a lit cigar into her van while her children were inside. Although X.F. later recanted her allegations, the State proceeded with prosecution, presenting eyewitness testimony, the 911 call, and jail recordings between Bradley and X.F. at trial. Bradley claimed on appeal that his conviction was against the manifest weight of the evidence and that he received ineffective assistance of counsel. The appellate court rejected both claims, finding that the jury was entitled to determine witness credibility, that counsel had access to all key evidence, and that Bradley chose to proceed to trial despite being offered a continuance—ultimately concluding the evidence against him was overwhelming.	King	10/30/2025
Drouhard v. Thompson	2025 CA 0031 & 2025 CA 0034	Appeal from the Richland County Court of Common Pleas, Probate Division, Case No. 20214007A	Affirmed	Requests for admissions deemed admitted for failure to answer; Summary judgment The appellants—Kristi Drouhard and several family members—appealed the trial court’s denial of their motions to amend deemed admissions, its grant of summary judgment in favor of the appellees, and its refusal to allow supplemental evidence. The case arose from allegations that appellees exerted undue influence and duress upon Elaine Baughman in executing two amendments to her trust, and that Baughman lacked capacity. After appellees served discovery requests in November 2021, appellants failed to respond by the December deadline, claiming an oversight during their counsel’s leave of absence. Despite being made aware of the missed deadline in January 2022, appellants did not move to amend the admissions or submit discovery responses until May 2022—months after appellees had filed a summary judgment motion based on the deemed admissions establishing Baughman’s competence and lack of duress or undue influence. The trial court denied appellants’ motions, finding no compelling reason for their delay, and granted summary judgment for appellees. On appeal, the court affirmed, holding that the trial court properly applied Civil Rule 36(B) and that the deemed admissions conclusively resolved the case, rendering the remaining assignments of error moot.	Baldwin	11/3/2025
State v. Jackson	CT2025-0049	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0529	Affirmed	Sentence imposed on two fifth degree felonies proper. On August 15, 2024, a Muskingum County Grand Jury indicted Jackson on one count of theft and one count of possessing criminal tools, both fifth-degree felonies, after he took merchandise from Lowe’s without paying, using a shopping cart deemed the criminal tool. Jackson pled guilty to both counts in January 2025 and was sentenced in April 2025 to eleven months on each count, to be served consecutively for a total of twenty-two months. On appeal, Jackson argued that the sentence was disproportionate and failed to consider mitigating factors such as his rehabilitation, sobriety, and low risk of reoffending, and that the trial court erred in imposing consecutive sentences without proper findings. The appellate court found that the trial court had properly applied the statutory sentencing factors, imposed lawful terms, and adequately justified consecutive sentences, concluding that Jackson’s sentence was neither contrary to law nor disproportionate.	King	11/3/2025
State v. Parker	CT2025-0026	Appeal from the Muskingum County Court of Common Pleas of Muskingum County, Case No. CR2023-0105	Affirmed	Where a criminal defendant failed to show that his trial attorney’s earlier representation of a co-defendant created a conflict of interest or adversely affected the outcome of his case, he could not succeed on either an ineffective-assistance claim or a claim that his no-contest plea was invalid Defendant Marques Parker appealed his conviction for drug trafficking, arguing that his trial counsel was ineffective because the same attorney had previously represented his co-defendant, and that his no-contest plea was not knowing or intelligent since the dual representation issue was not addressed at the plea hearing. The record showed, however, that the attorney’s representation of the co-defendant ended more than a year before Parker’s case began, making it a matter of successive, not simultaneous, representation. The attorney disclosed her prior representation on the record, and neither Parker nor the State raised any objection or claimed a conflict. The co-defendant, who had been acquitted, played no role in Parker’s case. The trial court conducted a proper plea colloquy and found Parker’s plea knowing, voluntary, and intelligent. Because no actual conflict or deficient performance was shown, the appellate court upheld the validity of Parker’s plea and rejected his claim of ineffective assistance.	Gormley	11/3/2025

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State v. Johnston	2025 CA 00001	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CR 0275	Affirmed	Possession; drugs found underneath sleeping or unconscious person On June 6, 2024, the Fairfield County Grand Jury indicted Johnston on one count of aggravated possession of drugs and one count of illegal use or possession of drug paraphernalia. At trial, evidence showed that on March 7, 2024, Lancaster police officers found Johnston lying off a bike path, appearing disoriented and under the influence. A green straw with burn marks—commonly used for smoking methamphetamine—was seen protruding from his pocket, and a bag containing 0.29 grams of methamphetamine was found beneath him. During booking, Johnston admitted to a nurse that he had smoked “a little ice,” a street term for methamphetamine. The jury viewed body-camera footage of the incident and found Johnston guilty on both counts. The trial court imposed three years of community control with inpatient drug treatment and a reserved twelve-month prison term. On appeal, Johnston argued insufficient evidence supported his conviction, but the court found that the methamphetamine’s proximity, the paraphernalia, and his own admission provided sufficient circumstantial evidence that he knowingly possessed the drug.	Popham	11/4/2025
Boylen v. Ohio Dept. of Pub. Safety, Bur. of Motor Vehicles	2025 CA 00069	Appeal from the Stark County Court of Common Pleas, Case No. 2024 CV 1979	Affirmed	Statutory interpretation; Separation of powers Boylen appealed the Stark County Court of Common Pleas’ June 3, 2025 judgment affirming the Ohio Bureau of Motor Vehicles’ Final Order disqualifying his commercial driver’s license for life. Boylen, who had prior convictions for OVI in 2013 and Grand Theft of a Motor Vehicle in 2023, argued that because he was never charged or convicted under R.C. 4506.15, the BMV lacked authority to impose a lifetime CDL disqualification and that doing so violated separation of powers and due process. The appellate court rejected his arguments, holding that R.C. 4506.16(D)(2) requires disqualification based on convictions for violations described in R.C. 4506.15(A)(2)–(12), not necessarily convictions under that section. Since Boylen’s OVI and felony convictions involved conduct prohibited by those provisions, the BMV properly imposed the lifetime disqualification. The court further found no constitutional or due process violation and affirmed the trial court’s decision.	Baldwin	11/4/2025