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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. Davis	2024 AP 09 0032	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2024 CR 01 0001	Affirmed	Manifest weight; sufficiency of the evidence; sentencing Appellant challenged his conviction for felonious assault, arguing the evidence was insufficient and against the manifest weight due to inconsistencies in witness testimony, intoxication of witnesses, lack of immediate police or medical response, and failure to prove he caused serious physical harm. The appellate court found that despite minor discrepancies, all witnesses—including appellant—testified he knocked J.C. down and stomped on his head, with medical evidence confirming J.C.'s injuries were consistent with blunt force trauma rather than a fall. The court also rejected arguments about intoxication and the absence of immediate medical attention, noting J.C.'s symptoms developed within the expected timeframe for a subdural hematoma. Viewing the evidence in the light most favorable to the State, the court held the jury was justified in finding appellant caused serious physical harm. Appellant also argued the trial court erred by imposing a prison sentence instead of community control, but the appellate court determined the sentence was within statutory guidelines, based on consideration of the relevant sentencing factors, and not contrary to law.	Popham	9/2/2025
State v. Jewell	2024CA00128	Appeal from the Stark County Canton Municipal Court, Case No. 2024 CRB 01492	Affirmed	Sufficiency of the evidence; Manifest weight of the evidence Appellant challenged his convictions for Resisting Arrest and Failure to Disclose Personal Information, arguing insufficiency and manifest weight of the evidence. Testimony showed that after appellant repeatedly refused store manager L.D.'s requests to remove his motorized bicycle from Dollar General, police were called. Officer Cook testified that appellant refused multiple requests to provide his name, resisted efforts to be handcuffed, and only complied once backup arrived; body camera footage corroborated this account. Although appellant claimed he was exercising his Fifth Amendment rights and had previously been allowed to bring his bicycle inside, the court found the State presented sufficient evidence to establish all elements of both offenses. Concluding the jury did not lose its way, the appellate court held the convictions were supported by both sufficiency and weight of the evidence and affirmed the trial court's judgment.	Baldwin	9/2/2025
State v. Butler	2025CA0004	Appeal from the Coshocton County Court of Common Pleas, Case No. 2024 CR 0074	Affirmed	Anders The Court reviewed the trial transcript and confirmed that during his sentencing hearing, Butler, Jr. was fully advised of his constitutional rights, the mandatory nature of his prison term, the indefinite sentencing structure, and post-release supervision. Butler acknowledged he understood the charges and penalties and voluntarily pled guilty to aggravated possession of drugs, a second-degree felony. The trial court accepted his plea, had him sign the necessary waivers, and sentenced him to an indefinite prison term of six to nine years, with the minimum six years mandatory. After reviewing the record, the appellate court found no error in accepting Butler's plea or imposing his sentence, determined that the sentence fell within the statutory range, and concluded that no meritorious issues existed for appeal. Accordingly, appellate counsel's motion to withdraw was granted, and the trial court's judgment was affirmed.	Montgomery	9/4/2025
State v. McCauley	2024 AP 10 0035	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2021 CR 04 0131	Affirmed	Expert testimony-veracity of child sexual abuse victim; cruel and unusual punishment McCauley challenged his conviction by arguing that the trial court erred in admitting portions of a Child Advocacy Center interview, but the court found only limited "snippets" admissible under Evid.R. 803(4) for medical purposes, and any error was harmless given the victim's testimony and other evidence of guilt. He further claimed a Brady violation regarding Patricia Sullivan's counseling records, but the trial court's in-camera review confirmed no exculpatory material, so due process was satisfied. McCauley also objected to testimony about the victim's credibility, but the opinion was based on multiple sources, and the jury was able to assess the victim's demeanor and credibility directly. His Eighth Amendment argument that a 36-month prison sentence, consecutive to pretrial house arrest, was cruel and unusual punishment failed because the term was within the statutory range and lawful. Finally, his claim of cumulative error was rejected since no multiple errors existed, and the appellate court affirmed his conviction and sentence.	Popham	9/4/2025
Zimmerman v. Dillon	2024CA00207	Appeal from the Stark County Court of Common Pleas, Probate Division, Case No. 247086	Affirmed	Breach of trust; Accounting; Attorney fees; Damages flowing from breach of trust; Trustee duties; Co-trustee Dillon appealed the decision finding him liable for breach of trust and awarding damages and attorney fees to Zimmerman, co-trustee and beneficiary of the Donald Zimmerman Trust. The court found Dillon failed to keep adequate records, used an improper cash payment system without Zimmerman's knowledge, and paid invoices without verifying work or expenses, resulting in over \$100,000 in undocumented payments. Testimony showed he failed to exercise reasonable care and did not provide Zimmerman with proper accountings, constituting a breach of trust. The court also upheld \$40,000 in damages for repairs to two bathrooms based on expert testimony and rejected Dillon's challenges as unsupported. Additionally, it ordered Dillon to pay attorney fees and costs totaling over \$81,000, finding the award reasonable given Zimmerman's success in proving breach of trust, conversion, and his removal as co-trustee. The appellate court affirmed, holding that competent, credible evidence supported the probate court's findings and damages.	Montgomery	9/4/2025



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State v. Roman-Navarre	2024CA00185	Appeal from the Stark County Court of Common Pleas, Case No. 2024-CR-0942	Affirmed	Mistrial, Confrontation, Refresh Recollection, Ineffective Assistance, Venue The jury found Roman-Navarre guilty of unlawful sexual conduct with a minor, a third-degree felony, and he was sentenced to 60 months in prison and classified as a Tier II sex offender. On appeal, he argued that a witness's reference to his prior incarceration denied him a fair trial, but the court found the comment inadvertent, brief, and cured by instruction. He also claimed errors regarding the admission of a forensic interview, improper coaching of the victim, ineffective assistance of counsel, and insufficient evidence of venue. The court held that none of these arguments demonstrated plain error, prejudice, or ineffective assistance, as the record lacked support for an alibi, strategic decisions by counsel did not amount to deficient performance, and the State properly established venue in Stark County. Even if minor evidentiary errors occurred, they were deemed harmless in light of overwhelming evidence against him, including the victim's testimony and corroborating communications. The appellate court concluded the conviction was not against the manifest weight of the evidence and affirmed the judgment.	Popham	9/4/2025