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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. Abrams	25CA000001, 25CA000002, 25CA000003	Appeal from the Guernsey County Court of Common Pleas, Case Nos. 21-CR-213, 21-CR-343, & 24-CR-201	Affirmed in part; Reversed in part; and Remanded in part	Retroactive application of Ohio Supreme Court decision - Domestic Violence and assault involving different victims were not allied offenses of similar import Chandler Abrams appeals his January 3, 2025 convictions and sentences from the Guernsey County Court of Common Pleas, challenging the imposition of consecutive sentences and the trial court's failure to merge certain convictions. Abrams pled guilty in multiple cases, including 21CR213, 21CR343, and 24CR201, involving aggravated robbery, receiving stolen property, attempted burglary, domestic violence, and assault, with sentencing deferred pending pre-sentence investigations. In December 2024, he admitted violating community control, and the trial court imposed aggregate sentences totaling 98 months, ordering some to run consecutively. Abrams argued the trial court erred by imposing consecutive sentences without prior notice under State v. Jones, which the appellate court found should apply retroactively, vacating his sentence and remanding for resentencing. He also argued his assault conviction should have merged with domestic violence convictions, but the court held the offenses involved separate victims and animus, so no merger was required. The appellate court affirmed in part, reversed in part, and remanded for resentencing consistent with the law, with costs assessed to Abrams.	Hoffman	9/24/2025
Kennedy v. Heath Bd. of Zoning Appeals	2025 CA 00023	Appeal from the Licking County Court of Common Pleas, Case No. 2022 CV 1166	Affirmed	Zoning Ordinance The case involves the City of Heath Board of Zoning Appeals' (BZA) denial of Richard Kennedy's application to erect a digital billboard in a B-3 district. The trial court vacated the BZA's decision, finding conflicting provisions in Heath's ordinances: one allowing digital signs, including digital billboards, in B-3, M-1, and M-2 districts, and another limiting billboards only to M-2 districts. Applying statutory construction, the court held that the more specific and later-enacted provision governing digital billboards controlled, permitting Kennedy's sign. The appellate court affirmed, agreeing that the BZA erred by denying the permit based on both location and size restrictions, since Kennedy's sign complied with the more specific ordinance provisions. One judge dissented, arguing that the ordinances could be harmonized and that digital billboards and digital signs should not be treated as interchangeable terms.	Popham	9/23/2025
Cambridge Mgt. of SEO, L.L.C. v. Babar Invest., Inc.	CT2025-0030	Appeal from the Court of Common Pleas of Muskingum County , Case No. CH2024-0009	Reversed and Remanded	Where a trial-court order indicated that parties should file a witness list before trial but also indicated that witnesses known to the opposing party would not be barred from testifying, the trial court unreasonably deviated from that order when it refused to hear any testimony from one party's undisclosed but known witnesses Cambridge Management of SEO, LLC appealed after the Muskingum County Court of Common Pleas barred it from calling witnesses for failing to file a witness list. The case stemmed from Cambridge's trespass claim against Babar Investment, Inc. and Muhammad Chaudhry, who allegedly placed storage containers on Cambridge's land. A September 2024 pretrial order required witness lists but also allowed known witnesses to testify. Cambridge filed no list but sought to call three witnesses who had been deposed and were on the defendants' own list. The trial court excluded them and granted a directed verdict dismissing Cambridge's complaint. On appeal, the court held no proffer was needed since the sanction was for discovery, not evidence. The judges found defendants knew the witnesses and their testimony, so no prejudice resulted. Because the trial court ignored its own order, it abused its discretion. The judgment was reversed and remanded.	Gormley	9/23/2025
Lester v. Boyer	25-CA-00010	Original Action for Writ of Prohibition in the Court of Appeals	Dismissed	Original Action Relator Wendee Lester filed a Complaint for Writ of Prohibition seeking to prevent Judges Tina M. Boyer and Jamie Farmer from exercising jurisdiction in her husband's Perry County divorce action, arguing that her earlier-filed Franklin County divorce case should control. Multiple motions followed, including requests for dismissal or intervention by Robert Lester, but Wendee Lester did not respond. The court found the matter moot because the Franklin County case had already been dismissed and the Perry County case placed on the inactive docket pending appeal, leaving no active controversy or relief to grant. Additionally, the court held that Lester had an adequate remedy through her ongoing appeal of the Franklin County dismissal, making extraordinary relief inappropriate. Accordingly, the Complaint for Writ of Prohibition was dismissed.	Popham	9/22/2025
State v. Davis	2025 CA 00014	Appeal from the Stark County Municipal Court, Case No. 2021CRB00201	Affirmed	Post-conviction relief Davis was arrested at a Canton Walmart after refusing to wear a mask, becoming combative with staff, and refusing to identify himself to police, leading to charges of obstructing official business and trespass. The State later amended the case to disorderly conduct, to which Davis pled no contest, receiving only court costs, and he did not appeal. Nearly four years later, in January 2025, Davis filed a motion to vacate his conviction, arguing the COVID-19 mask mandate was unconstitutional, but the trial court denied it. On appeal, the court held that Davis' filing was an untimely petition for postconviction relief, barred by res judicata since he could have raised his claims on direct appeal. Because he failed to meet statutory exceptions for late filings, the court affirmed the trial court's dismissal.	King	9/22/2025
State v. Hess	CT2025-0003	Appeal from the Muskingum County Court, Case No. CRB2400164	Affirmed	Temporary restraining order The appellant appeared in Muskingum County Court on charges of aggravated burglary, felonious assault, and domestic violence, where the trial court issued a temporary protection order that he did not appeal. After being charged with violating the order, he later pled guilty on November 18, 2024, to one count of Violating a Protection Order under R.C. 2919.27(A)(1). On appeal, he argued the trial court erred by granting the protection order without a hearing. The appellate court held that by entering a voluntary guilty plea, the appellant waived his right to challenge nonjurisdictional defects, including the issuance of the order, and therefore overruled his sole assignment of error, affirming the trial court's decision.	Baldwin	9/22/2025



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State v. Stevenson	2024 CA 00183	Appeal from the Court of Common Pleas of Stark County , Case No. 2024 CR 1209	Affirmed	Driver's violation of the stop-bar requirement in R.C. 4511.43(A) justified a traffic stop At a suppression hearing, Officer J'Tahn Hampton testified that in May 2024 he observed Stevenson roll past a painted stop bar at a Canton intersection before coming to a complete stop, prompting a traffic stop that later led to the discovery of drugs and a firearm. Stevenson moved to suppress the evidence, arguing the stop was invalid because a stop-bar violation alone does not justify a stop and because the officer may have had ulterior motives tied to gang investigations. The trial court denied the motion, and Stevenson pled no contest. On appeal, the court upheld the stop, noting that under R.C. 4511.43(A) and consistent Ohio precedent, even a minor traffic violation such as stopping beyond a stop bar provides reasonable suspicion for a valid traffic stop, regardless of any additional motives the officer may have had.	Gormley	9/22/2025