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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. Horn	2025 CA 00010	Appeal from the Stark County Court of Common Pleas, Case No. 2024 CR 1404	Affirmed	Manifest weight; Sufficiency Horn argued that his conviction for failure to comply with the order or signal of a police officer was not supported by sufficient evidence and was against the manifest weight of the evidence, claiming he neither created a substantial risk of serious harm nor willfully fled from troopers. The court reviewed the applicable legal standards for sufficiency and manifest weight challenges and found that testimony from multiple troopers, along with dash and body camera footage, established that Horn fled for 13 miles, at times speeding, drifting between lanes, following vehicles too closely, driving without headlights, and passing through a construction zone while heavily intoxicated. These actions created a substantial risk of harm to himself, other motorists, and law enforcement. Although Horn testified that he was unaware of the cruisers and sirens, the jury was entitled to reject his testimony and credit the State's evidence. The court concluded the State had met its burden, the jury had not lost its way, and therefore affirmed Horn's conviction, overruling his assignments of error.	King	9/26/2025
State v. Stacy	2024 CA 00204	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR1806	Affirmed	Aggravated arson; Sufficiency; Manifest weight Stacy argued that the trial court erred in denying his Crim.R. 29 motion for acquittal and that his aggravated arson conviction was against the manifest weight of the evidence. The appellate court disagreed, explaining that sufficient evidence supported the conviction because circumstantial evidence showed Stacy knowingly set a fire on the stovetop of his trailer, which created a substantial risk of serious harm given the trailer's proximity to occupied homes, nearby vehicles, and children playing outside. Although the fire was extinguished quickly, testimony established that the materials of the trailer and attached propane tanks posed significant danger had it spread. The jury was entitled to credit the State's evidence over Stacy's claims, and the appellate court found no indication that the jury lost its way. Accordingly, both assignments of error were overruled, and Stacy's conviction and the trial court's judgment were affirmed.	Popham	9/26/2025
State v. Ankrom	CT2025-0041	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0777	Affirmed	Sufficiency; Manifest weight; Maximum sentence Ankrom was sentenced to an indefinite term of eleven years, with a potential maximum of sixteen and one-half years, for aggravated burglary; a definite term of eight years for felonious assault; and 180 days for assault, with the burglary and assault sentences ordered to run consecutively for an aggregate indefinite term of nineteen years and a potential maximum of twenty-four and one-half years. On appeal, Ankrom argued his convictions were not supported by sufficient evidence and were against the manifest weight of the evidence. Testimony established that the victim, Stephanie Athey, had converted a hallway into her living quarters, making it an "occupied structure" under the statute, and that Ankrom forcibly entered, attacked Athey and Chad Lent, and caused injuries confirmed by witness testimony, medical treatment, and photographs. Although Ankrom challenged the credibility of the witnesses and claimed the injuries stemmed from a fight between Athey and Lent, the jury was entitled to assess credibility and weigh the evidence. The appellate court held that the State met its burden on each element of the offenses, the convictions were supported by the record, and the trial court's imposition of maximum consecutive sentences complied with statutory requirements. Accordingly, Ankrom's convictions and sentence were affirmed.	Popham	9/26/2025
State v. Wharton	25 CAA 02 0014	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CR 105 0277	Affirmed	Motion to suppress; Jurisdiction of court issuing warrant The appellant argued that the municipal court lacked authority to issue a warrant for his out-of-state Dropbox data and that the resulting search violated his constitutional rights, relying on State v. Worthan for support. While acknowledging that municipal courts are courts of limited jurisdiction and therefore cannot issue such warrants, the appellate court held the evidence was still admissible under the good faith exception. Detective Sergeant Clarke had followed Sheriff's Office protocol in seeking the warrant, and once he learned of the jurisdictional issue, the protocol was corrected to require warrants from the common pleas court. Because Clarke's reliance on the municipal court's warrant was objectively reasonable and not the result of deliberate or reckless conduct, the appellant's assignment of error was overruled.	Baldwin	9/26/2025
State v. Johnson	25 CAA 04 0029	Appeal from the Delaware County Court of Common Pleas, Case No. 24 CRI 11 0668	Affirmed	Continuance of sentencing hearing; Abuse of discretion Johnson appealed her sentence of 18 months in prison for third-degree robbery after pleading guilty to breaking into a victim's apartment, assaulting her, and stealing her belongings in the presence of children. Johnson argued that the trial court erred in denying her motion to continue sentencing so she could complete a mental health and substance abuse assessment, which she claimed would serve as mitigating evidence. The appellate court found no abuse of discretion, noting Johnson had six weeks to complete the assessment before sentencing, and the trial court determined such an assessment would not have altered the outcome given her extensive history of violent behavior, prior record, and the serious nature of the offense. The court emphasized that the crime involved physical harm, was committed in front of children, and reflected organized criminal activity. As a result, Johnson's sole assignment of error was overruled, and the trial court's judgment was affirmed.	Montgomery	9/29/2025



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State v. Stephens	2025 CA 00044	Appeal from the Licking County Court of Common Pleas, Case No. 2020-CR-00364	Affirmed	No abuse of discretion in denying motion for leave to file a delayed motion for a new trial. Stephens appealed the Licking County Court of Common Pleas' denial of his motion for leave to file a delayed motion for new trial after his 2021 conviction for aggravated drug trafficking was affirmed on direct appeal. Stephens argued ineffective assistance of counsel and due process violations, claiming his codefendant, Dwight Gales, should have testified that the drugs and cellphone belonged to him. The trial court rejected the motion, finding it untimely under Crim.R. 33(B) and concluding Stephens was not unavoidably prevented from presenting this evidence, since Gales's statements were already known and available at trial. On appeal, the court held that Stephens failed to demonstrate by clear and convincing proof that he was unavoidably prevented from timely filing his motion and that his arguments went to the merits rather than the threshold issue of timeliness. Finding no abuse of discretion, the appellate court overruled Stephens's assignments of error and affirmed the trial court's judgment.	King	9/26/2025
State v. Reynolds	2025-CA-0053	Appeal from the Richland County Court of Common Pleas, Case No. 2023-CR-0597R	Affirmed	Motion to suppress; Exigent circumstances; Warrantless entry The State appealed the trial court's suppression ruling, arguing first that the findings of fact were incomplete because the entry did not address key evidence supporting exigent circumstances. The appellate court rejected this claim, noting that unlike in State v. Murphy, the trial court acknowledged the reports of gunfire, shell casings, witness statements, and movement inside the residence but reasonably weighed those facts against the officers' decision to wait over an hour before entry, which undermined any sense of urgency. The State also argued the findings were against the manifest weight of the evidence, asserting that the circumstances established exigent circumstances justifying a warrantless entry. The appellate court disagreed, emphasizing that no cries for help, visible injuries, or other objective indicators of imminent danger were observed, and the lengthy delay showed police themselves did not perceive an emergency. Concluding that competent, credible evidence supported the trial court's determination that no exigent circumstances existed, the appellate court overruled both assignments of error and affirmed the judgment.	Popham	9/26/2025
State v. Deitenbeck	CT2025-0031	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0377	Affirmed	Appellate review of maximum and consecutive felony sentences Deitenbeck appealed his maximum and consecutive sentences, arguing the trial court failed to properly apply R.C. 2929.11, R.C. 2929.12, and R.C. 2929.14(C)(4), and that his punishment was based on impermissible considerations. Although his brief contained inconsistencies in how his assignments of error were framed, the appellate court considered them together. The court found the trial court acted within the statutory range, expressly considered the purposes and principles of felony sentencing, and weighed the seriousness and recidivism factors. It further rejected Deitenbeck's claim that the court relied on improper considerations, finding no evidence of factors outside those permitted by statute. Regarding consecutive sentences, the appellate court held that the trial court complied with R.C. 2929.14(C)(4) by making the required findings on the record and in its sentencing entry, noting that no additional reasoning was required under State v. Bonnell. Concluding the trial court properly imposed maximum and consecutive sentences, the appellate court affirmed the judgment.	Montgomery	9/26/2025
State v. Jones	CT2025-0064	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2022-0201	Affirmed	Public records Jones appealed the denial of his motion for public records under R.C. 149.43(B)(8), which imposes heightened requirements for inmates seeking records and requires a showing of necessity to support a justiciable claim. The court noted that Jones had already received many of the requested records in 2024, rendering those portions of his request moot. As for any remaining documents, Jones failed to identify a pending proceeding where the records would be material, since discovery is not permitted in postconviction proceedings and his guilty plea constitutes a complete admission of guilt. His claims of ineffective assistance of counsel for lack of discovery have already been raised, rejected, and are now barred by res judicata. Because Jones attempted to use the public records statute to gather evidence for a postconviction petition after exhausting appeals, the appellate court found no abuse of discretion in denying his request. The trial court's judgment was therefore affirmed.	Popham	9/26/2025
In re N.B.G.	2025CA00037	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2023JCV01266	Dismissed	Grandmother lacks standing to appeal award of permanent custody. In her appeal, grandmother argued the trial court erred in granting permanent custody of the child to SCJFS, but the appellate court dismissed the case for lack of standing. Although the trial court once referred to her as a "legal custodian," the record showed SCJFS, not grandmother, held legal custody, and she never filed a motion to intervene or request legal custody under R.C. 2151.353. Because grandparents have no statutory rights in permanent custody proceedings unless they are properly named as parties or proposed custodians, grandmother was not aggrieved by the trial court's order and could not challenge the termination of parental rights. Consistent with precedent, the court held that third parties who fail to seek legal custody lack standing to appeal permanent custody awards. The appeal was therefore dismissed.	King	9/29/2025
State v. Curry	CT2025-0024	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0528	Affirmed	Anders; Crim.R.11; Guilty plea After reviewing the record, the appellate court found that Appellant's guilty plea was knowingly, intelligently, and voluntarily entered. At the plea hearing, Appellant confirmed he understood the charges, the potential penalties, his rights under Crim.R. 11, and the fact that the court was not bound by the joint sentencing recommendation. The court also determined that Appellant was represented by competent counsel and satisfied with his representation. Regarding sentencing, the court imposed a penalty within statutory limits after considering the full record, plea agreement, and statutory factors. Finding no non-frivolous issues for appeal under Anders, the appellate court granted counsel's motion to withdraw and affirmed the judgment of the trial court.	Montgomery	9/29/2025



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In re A.S.	2025 CA 00009	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case No. C2024-0229	Affirmed	Temporary custody The appellate court rejected both of appellant's assignments of error. First, it found no plain error in the trial court's decision to compel a drug test and presume a positive result upon refusal, since appellant failed to object at the hearing, provided no supporting legal authority, and the record showed repeated positive drug tests, including one for methamphetamine shortly before the dispositional hearing. Second, the court held that sufficient evidence supported the dependency finding under R.C. 2151.04(C), noting appellant's repeated drug use, lack of cooperation with the agency, refusal of home inspections, missed visitations, and failure to attend treatment. Given this evidence of an unsafe environment and consistent noncompliance, the trial court's judgment was affirmed.	Baldwin	9/29/2025