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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. Kohler	24-CA-00006	Appeal from the Perry County Court of Common Pleas, Case No. 22-CR-0064	Affirmed	Anders - Manifest Weight and Sufficiency of Evidence - Allied Offenses - Ineffective Assistance of Counsel - Consecutive Sentencing Defendant-appellant James Kohler appealed his Perry County conviction and forty-seven-month prison sentence for breaking and entering, theft, complicity to attempted burglary, and complicity to burglary, raising multiple assignments of error. He argued that the convictions were against the manifest weight of the evidence and that the State failed to prove his intent or the "occupied" status of the residence, but testimony, photographic evidence, and statutory definitions supported the jury's findings and the trial court's rulings. Kohler further challenged the trial court's failure to merge certain offenses and alleged ineffective assistance of counsel, but the appellate court determined the offenses were distinct, caused separate harms, and occurred on different days, thus precluding merger. He also contested the sufficiency of evidence supporting his breaking and entering conviction and the trial court's decision to impose consecutive sentences, but the appellate court found the evidence sufficient and the sentencing findings proper under statute. After an independent Anders review, the court concluded no meritorious issues existed, overruled all assignments of error, granted counsel's request to withdraw, and affirmed the judgment of the Perry County Court of Common Pleas.	Hoffman	9/8/2025
Deutsche Bank Natl. Trust Co. v. Pinkston	2025CA0030	Appeal from the Court of Common Pleas of Richland County , Case No. 2024-CV-0031 N	Affirmed	Affirming trial court's grant of summary judgment in favor of a bank in a foreclosure case and rejecting the property owner's arguments that focused on the statute of limitations, an unsupported allegation of fraud, and a claim that the mortgage was extinguished when the debtor who signed it died Earl Jefferson appealed the foreclosure judgment entered in favor of Deutsche Bank, arguing that the action was time-barred, factually flawed, and undermined by fraud. The court rejected these arguments, holding that the foreclosure was timely because the statute of limitations began to run only upon default in 2020, not when the note and mortgage were signed in 2004, making the 2024 filing proper. The court further determined that an error in the judgment entry misidentifying Jefferson as the debtor's heir was irrelevant since the foreclosure was an in-rem action against the property, not against Jefferson personally. It also concluded that unauthorized filings by Deutsche Bank's prior counsel were stricken and had no effect on the validity of the judgment. Jefferson's claim of fraud based on James Pinkston's misrepresentation of his marital status was unsupported by evidence, and his assertion that James and Marilyn Pinkston held the property as survivorship tenants was contradicted by the record, which showed sole ownership by James. Because Deutsche Bank's mortgage remained valid and enforceable after James's death, the court affirmed the trial court's judgment, with costs assessed to Jefferson.	Gormley	9/5/2025
State v. Byrnes	2025 CA 00007	Appeal from the Court of Common Pleas of Licking County , Case No. 2024 CR 00162	Affirmed	Prison term could be imposed under R.C. 2929.13(B)(1) for a nonviolent fifth-degree-felony offense where the defendant was under community-control supervision when that offense was committed, and the defendant was required to serve any prison term for that offense in the local jail rather than a state prison because the offense was committed in a Targeted Community Alternatives to Prison county Defendant Carolina Byrnes appealed the sentence she received after pleading guilty to one fifth-degree felony theft and one first-degree misdemeanor theft. Byrnes argued that the trial court erred by imposing a 12-month jail term for her nonviolent felony offense, contending that only a community-control sanction with a six-month maximum jail term was permissible. The State countered that the sentence was a valid prison term required to be served in the county jail under Ohio's Targeted Community Alternatives to Prison (TCAP) program. The appellate court agreed with the State, finding that Byrnes's offense was committed while she was under community-control supervision, which gave the trial judge discretion to impose a prison sentence under R.C. 2929.13(B)(1)(b)(x). Because the sentence was a lawful TCAP prison term rather than an impermissible community-control sanction, the court rejected Byrnes's claims, reviewed the matter only for plain error due to her failure to object at sentencing, and affirmed the trial court's judgment with costs assessed to Byrnes.	Gormley	9/5/2025
State v. Veyon	CT2025-0054	Appeal from the Muskingum County Court of Common Pleas, Case No. CR 2022-0008	Affirmed	Subject matter jurisdiction On January 13, 2022, the Muskingum County Grand Jury indicted the appellant on multiple drug trafficking, possession, and weapons charges, several carrying firearm and forfeiture specifications. The appellant later pleaded guilty on March 14, 2022, to amended charges, including one count of trafficking in drugs with a forfeiture specification, two counts of possession of drugs with a forfeiture specification, and one count of possession of drugs, and was sentenced on April 28, 2022. Nearly three years later, the appellant filed a request for judicial notice and a motion to dismiss, alleging deficiencies in the indictment and violations of constitutional rights, which the trial court denied. On appeal, the appellant raised three assignments of error; however, the Fifth District Court of Appeals held that the trial court possessed subject-matter jurisdiction, that the appellant's guilty plea constituted a complete admission of guilt and waived pre-plea constitutional claims, and that the appellant's arguments were procedurally deficient. Accordingly, all assignments of error were overruled, and the judgment of the Muskingum County Court of Common Pleas was affirmed, with costs assessed to the appellant.	Baldwin	9/8/2025



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State v. Bolduc	2024 CA 00101	Appeal from the Licking County Common Pleas Court, Criminal Division, Case No. 2024 CR 00605	Affirmed	Anders Attorney Kaitlyn A. O'Hara, appellate counsel for Christopher Bolduc, filed an Anders brief and requested to withdraw, asserting there were no meritorious issues for appeal after Bolduc's convictions for two counts of breaking and entering. Bolduc, who had pled no contest after stealing items from two garages, was sentenced to consecutive nine-month terms for a total of eighteen months' imprisonment. He did not file a pro se brief, and the State also did not respond. The appellate court independently reviewed the record, including the plea hearing and sentencing, and found the trial court properly complied with Crim.R. 11, that Bolduc entered his plea knowingly and voluntarily, and that his sentence was within the statutory range. Concluding the appeal was wholly frivolous under Anders v. California, the court granted counsel's motion to withdraw and affirmed the trial court's judgment.	Montgomery	9/10/2025
State v. Marshall	CT2025-0050	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2024-0502	Affirmed	Sentence was not in error On July 31, 2024, the Muskingum County Grand Jury indicted Marshall on two counts of rape of victims under ten and three counts of gross sexual imposition, with Marshall using babysitting as a means to access the children. On February 24, 2025, he pled guilty to the two rape counts, both first-degree felonies, and the remaining charges were dismissed pursuant to a joint recommendation of a twenty-year sentence. At sentencing, however, the trial court imposed consecutive terms of eleven years on one count and eleven years to an indefinite sixteen and one-half years on the other, resulting in a total sentence of twenty-two to twenty-seven and one-half years, and classified Marshall as a Tier III sex offender. On appeal, Marshall argued the trial court erred by exceeding the joint recommendation and imposing a disproportionate sentence, but the appellate court found the sentence was within the statutory range, consistent with the seriousness of the offenses and Marshall's criminal history, and not contrary to law. Accordingly, the judgment of the trial court was affirmed.	King	9/11/2025