



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



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. Rucker	2026 CA 0003	Appeal from the Richland County Court of Common Pleas, Case No. 2025 CR 474 R	Affirmed	Sentencing; Judicial bias After pleading guilty to three counts of trafficking in cocaine, three counts of possession of cocaine, and one count of possession of a fentanyl-related compound, Demeterius Rucker appealed his 17- to 22½-year prison sentence, arguing that the trial judge violated his due process rights by prejudging his sentence before reviewing the presentence investigation and mitigation evidence. The Fifth District Court of Appeals rejected this claim, finding that the trial court's comments during the plea hearing merely reflected a tentative sentencing range rather than a fixed decision. The appellate court noted that the judge later reviewed the presentence investigation, considered letters and testimony from Rucker's family, heard arguments from both parties, and properly weighed the statutory sentencing factors before imposing sentence. The court further held that the individual prison terms and consecutive sentences were within the statutory ranges, that the trial court made the findings required by Ohio law to impose consecutive sentences, and that the record supported those findings based on Rucker's extensive drug trafficking, criminal history, and the need to protect the public. Concluding there was no evidence of judicial bias or reversible error, the appellate court affirmed the judgment of the Richland County Court of Common Pleas.	Baldwin	8/3/2026
State v. Bickham	25CA0009	Appeal from the Morrow County Court of Common Pleas, Case No. 2024CR0072	Affirmed	Trial court did not commit plain error in this case by failing to instruct the jury on "purpose" with respect to charges of voyeurism and tampering with evidence Eric Bickham appealed his convictions for fifth-degree felony voyeurism and third-degree felony tampering with evidence, arguing that the trial court committed plain error by failing to instruct the jury on the statutory definition of the mental state of "purpose." The evidence at trial showed that Bickham secretly placed a hidden camera in the bedroom of his 12-year-old girlfriend's daughter, positioned and adjusted it to record areas where she would likely undress, purchased the camera himself, and later attempted to destroy it after it was discovered. Investigators also recovered deleted video files and internet searches from Bickham's phone about recovering deleted files, supporting the tampering charge. Although Bickham claimed the camera was installed to monitor the child due to concerns she might harm herself, the jury rejected his explanation. The Fifth District Court of Appeals held that, even assuming the trial court should have defined "purpose" for the jury, any error was harmless because the evidence overwhelmingly established that Bickham acted with the required purpose for both offenses. Finding no reasonable probability that the verdict would have been different with the requested instruction, the court overruled his sole assignment of error and affirmed his convictions and sentence.	Popham	8/3/2026
In re N.T.	CT2026-0039	Appeal from the Muskingum County Court of Common Pleas, Juvenile Division, Case No. 22630033	Affirmed	Abused, neglected, dependent child; R.C. 2151.03; R.C. 2151.04; Manifest weight of the evidence; Ineffective assistance of counsel Stephanie Tilley appealed the Muskingum County Juvenile Court's decision adjudicating her daughter, A.W., dependent and her son, N.T., abused, neglected, and dependent, while awarding temporary custody of both children to Muskingum County Adult and Child Protective Services. The evidence showed that agency involvement began after Tilley took her children to a police station seeking to have A.W. arrested, followed by an investigation revealing unsafe conditions in her home, including accessible medication, unsanitary living conditions, and clutter. Additional concerns arose after Tilley was involved in two motor vehicle accidents within 16 minutes while allegedly impaired by alcohol and Xanax, with N.T. present during at least the second crash, leading to charges of OVI, child endangerment, and related offenses. The appellate court found clear and convincing evidence supporting the dependency, abuse, and neglect findings, concluding that Tilley's impaired driving, unsafe home environment, and poor judgment created substantial risks to the children. The court also rejected Tilley's claim that her trial counsel was ineffective for failing to object to alleged hearsay testimony, finding no prejudice because ample admissible evidence supported the juvenile court's decision. Accordingly, the Fifth District Court of Appeals affirmed the judgment in its entirety.	Montgomery	8/3/2026



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



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
In re A.W.	CT2026-0038	Appeal from the Muskingum County Court of Common Pleas, Juvenile Division, Case No. 22630032	Affirmed	Abused, neglected, dependent child; R.C. 2151.03; R.C. 2151.04; Manifest weight of the evidence; Ineffective assistance of counsel Stephanie Tilley appealed the Muskingum County Court of Common Pleas, Juvenile Division, judgment finding her daughter, A.W., dependent and her son, N.T., abused, neglected, and dependent, arguing that the findings were against the manifest weight of the evidence and that her trial counsel was ineffective for failing to object to alleged hearsay testimony. The record showed that agency involvement began after Tilley took her children to a police station seeking to have A.W. arrested, followed by the discovery of unsafe and unsanitary conditions in her home. Additional concerns arose when Tilley was involved in two motor vehicle accidents within 16 minutes while allegedly impaired by Xanax and alcohol, with N.T. present during at least one crash, leading to criminal charges for OVI, child endangerment, and related offenses. The appellate court found clear and convincing evidence that Tilley's conduct and the children's living environment supported the findings of dependency, abuse, and neglect, emphasizing the unsafe home conditions, impaired driving, and risks posed to the children. The court also rejected Tilley's ineffective assistance claim, concluding that any failure to object to alleged hearsay did not prejudice the outcome because substantial admissible evidence independently supported the juvenile court's decision. Accordingly, the Fifth District Court of Appeals overruled both assignments of error and affirmed the trial court's judgment.	Montgomery	8/3/2026
In re A.F.	2026CA00046 2026CA00047	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case Nos. 2023JC01389 2023JC01390	Affirmed	Permanent Custody S.F. appealed the Stark County Court of Common Pleas, Family Court Division, decision terminating her parental rights to A.F. and R.F. and awarding permanent custody to the Stark County Department of Job and Family Services (SCJFS). The children were removed after mother allowed C.P., a convicted sex offender and father of R.F., to live in the home despite warnings from SCJFS that he posed a high risk to the children and recommendations that he have no contact with A.F. and only professionally supervised contact with R.F. Although mother completed some case plan services, she failed to make meaningful progress, was uncooperative with the agency, continued to support C.P. even after A.F.'s allegations of sexual abuse against him were substantiated, experienced ongoing mental health issues, threatened agency personnel, posted sensitive case information on social media, and failed to demonstrate stable housing or employment. The appellate court found that the children had been in agency custody for more than 12 months of a consecutive 22-month period, that no suitable relative placement was available, and that mother had not remedied the conditions leading to removal, making permanent custody in the children's best interests. The court also rejected mother's claim that the trial court should have appointed independent counsel for the children, concluding that their wishes were adequately presented through the guardian ad litem, caseworker testimony, and in-camera interviews, and that mother failed to demonstrate any plain error. Accordingly, the Fifth District Court of Appeals affirmed the judgment granting permanent custody to SCJFS.	King	8/3/2026
State v. Mercer	CT2025-0110	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0293	Affirmed	Prosecutorial misconduct; Motion for new trial; Examination of witness Benjamin Mercer appealed his convictions for attempted rape and gross sexual imposition of his 12-year-old niece, arguing that the prosecutor improperly characterized jail messages to his wife as a confession, that the trial court wrongly denied his motion for a new trial without a hearing, and that it improperly limited cross-examination regarding the context of those messages. The Fifth District Court of Appeals affirmed the convictions, finding overwhelming evidence of guilt, including the victim's detailed testimony describing two sexual assaults, corroborating testimony from her parents and a sexual assault nurse examiner, and messages Mercer sent to the victim. The court held that the prosecutor's comments during closing argument did not constitute reversible misconduct, that Mercer failed to preserve most of his objections and could not establish plain error, and that the jury was properly instructed that closing arguments were not evidence. The court also concluded that the trial court did not abuse its discretion in denying Mercer's motion for a new trial because he failed to submit the affidavit required by Crim.R. 33(C), and it rejected his claim that he was prevented from presenting evidence that the jail messages referred to marital infidelity rather than the allegations, noting the trial court had not definitively excluded such evidence and Mercer failed to pursue the issue further. Accordingly, all three assignments of error were overruled, and the convictions and sentence were affirmed.	Baldwin	8/3/2026



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



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. Cooper-King	2026CA00033	Appeal from the Stark County Court of Common Pleas, Case No. 2023-CR-0212	Affirmed	Post-conviction, res judicata. Appellant Anthony Cooper-King appealed the Stark County Court of Common Pleas' denial of his second motion for leave to file an untimely petition for postconviction relief, arguing that the trial court improperly denied his petition under the wrong statute and failed to issue findings of fact and conclusions of law. The Fifth District Court of Appeals affirmed, holding that the petition was untimely under R.C. 2953.21 because it was filed well beyond the 365-day statutory deadline and that Cooper-King failed to satisfy the jurisdictional exceptions of R.C. 2953.23 by showing he was unavoidably prevented from discovering the evidence supporting his claims. The court further found that most of his arguments—including claims involving bank records, dash-camera footage, affidavits, and ineffective assistance of postconviction counsel—had already been litigated and were barred by res judicata, while the only new affidavit from his mother failed to establish that the evidence could not have been discovered through reasonable diligence. Because the trial court lacked jurisdiction to consider the untimely petition, it was not required to issue findings of fact or conclusions of law, and the appellate court affirmed the denial of relief.	Popham	8/5/2026
Carver v. Carver	2026 CA 0002	Appeal from the Richland County Common Pleas Court, Division of Domestic Relations, Case No. 2020 DIS 0218	Affirmed	Contempt of court; Tax exemption. Amanda Carver appealed the Richland County Court of Common Pleas, Domestic Relations Division, after being found in civil contempt for violating the parties' dissolution decree by improperly claiming the parties' son, C.C., as a dependent on her 2024 tax return. The decree awarded the dependency exemption to Chad Carver so long as he was substantially current on child support by January 31 of the following year. Amanda argued the trial court lacked jurisdiction because the child had turned eighteen, that she relied on the advice of a tax professional in claiming the exemption, and that Chad failed to prove he was current on child support. The Fifth District Court of Appeals rejected these arguments, holding that the trial court retained jurisdiction over the dependency exemption despite the child's emancipation, that intent is not a defense to civil contempt, and that the evidence supported the finding Chad was entitled to claim the exemption. Accordingly, the court held the trial court did not abuse its discretion in finding Amanda in contempt and affirmed the judgment, including the purge conditions requiring her to execute the necessary tax forms and pay attorney fees and court costs.	Montgomery	8/5/2026
In re I.C.	26CA00026	Appeal from the Licking County Court of Common Pleas, Case No. 2023-0304	Affirmed	Permanent custody. Mother, R.J., appealed the Licking County Court of Common Pleas, Juvenile Division, after the court terminated her parental rights and granted permanent custody of her daughter, I.C., to Licking County Jobs and Family Services. Mother argued the trial court's findings that the child could not or should not be returned to her within a reasonable time and that permanent custody was in the child's best interest were against the manifest weight of the evidence. The Fifth District Court of Appeals affirmed, noting that although Mother had made meaningful progress by obtaining housing and employment, participating in counseling, maintaining a strong bond with her child, and progressing to unsupervised visitation, significant concerns remained regarding her ongoing relationship involving domestic violence, continued marijuana use, and failure to complete key case-plan requirements, including parenting classes. The court also emphasized that the child had been in the Agency's temporary custody for more than 12 months of a consecutive 22-month period, an independent statutory basis for permanent custody, and concluded that the evidence supported the trial court's determination that permanent custody was in the child's best interest because it provided the stability and permanence the child needed.	Popham	8/5/2026
State v. Larsen	26-COA-004	Appeal from the Ashland County Court of Common Pleas, Case No. 25-CRI-018	Affirmed	Sentencing - Sentence not Contrary to Law - R.C. 2929.11 & R.C. 2929.12. Trevor Larsen appealed the sentence imposed by the Ashland County Court of Common Pleas after pleading guilty to involuntary manslaughter for selling counterfeit Percocet pills containing the synthetic opioid N-desethyl Isotonitazine, which caused the victim's fatal overdose. Larsen argued his indefinite prison sentence of 10 to 15 years was contrary to the purposes and principles of felony sentencing under R.C. 2929.11 and the sentencing factors in R.C. 2929.12. The Fifth District Court of Appeals affirmed, finding the trial court expressly considered the statutory sentencing factors, acknowledged mitigating circumstances such as Larsen's remorse, acceptance of responsibility, lack of prior felony convictions, and positive character references, but reasonably concluded that the seriousness of the offense and the death of the 26-year-old victim warranted a prison term rather than community control. Because the sentence was within the statutory range and was not contrary to law, the appellate court upheld the judgment.	Hoffman	8/5/2026



Stark County Law Library
110 Central Plaza South, Suite 401, Canton, OH 44702
www.starkcountyohio.gov/law-library



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. Mason	CT2026-0046 CT2026-0045	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2017-0129	Affirmed	Postconviction relief Troy A. Mason appealed the Muskingum County Court of Common Pleas' denial of his petition for postconviction relief and his subsequent motion for summary judgment, arguing that the trial court should have held an evidentiary hearing, allowed him to file a reply to the State's response, and considered summary judgment in his favor. Mason's petition, filed nearly eight years after his convictions for multiple counts of forgery and tampering with records arising from his use of his brother's identity, claimed that the common pleas court lacked jurisdiction because certain municipal court records were not presented to the grand jury. The Fifth District Court of Appeals affirmed the trial court, holding that Mason's petition was untimely under Ohio's postconviction statutes and that he failed to satisfy the statutory exceptions permitting review of untimely petitions, leaving the trial court without jurisdiction to consider the merits or conduct a hearing. The appellate court also found that any reply brief could not have cured the jurisdictional defect and, although it acknowledged that summary judgment may be available in postconviction proceedings, concluded Mason's motion was properly denied because the court lacked jurisdiction over the untimely petition and the case had already been resolved. Accordingly, all three assignments of error were overruled, and the trial court's judgments were affirmed.	Baldwin	8/6/2026
State v. Stutler	2025-CA-00150	Appeal from the Stark County Court of Common Pleas, Case No. 2011-CR-1169	Affirmed	Trial court did not abuse discretion in denying Level V privileges Jeremy Stutler appealed the Stark County Court of Common Pleas' denial of his request for Level V community movement privileges after being found not guilty by reason of insanity for murder, tampering with evidence, and gross abuse of a corpse and committed to a state psychiatric facility. Stutler argued that the trial court lacked sufficient evidence to deny the recommendation of his treatment team, which supported expanded off-grounds privileges. The Fifth District Court of Appeals affirmed, holding that Level V privileges constitute "nonsecure status" under R.C. 2945.401 because they allow unsupervised movement in the community, making the Ohio Supreme Court's decision in <i>State v. Hickman</i> —which grants trial courts discretion after considering statutory factors—the controlling standard rather than the more limited standard applied in <i>State v. Stutler</i> . The appellate court found that the trial court properly weighed Stutler's significant treatment progress against evidence of his violent criminal history, inconsistent statements about his background, concerns regarding his insight into his offenses, and expert testimony assessing his future risk of violence as moderate. Concluding that the trial court's decision was supported by competent, credible evidence and was neither unreasonable nor an abuse of discretion, the appellate court overruled Stutler's sole assignment of error and affirmed the denial of Level V privileges.	Popham	8/6/2026
State v. Ludwig	CT2026-0035	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2019-0272	Affirmed	Post-conviction relief Todd Ludwig appealed the Muskingum County Court of Common Pleas' denial of his untimely petition for postconviction relief, arguing that the trial court erred by denying the petition without first addressing whether it had jurisdiction. Ludwig, who pleaded guilty in 2019 to aggravated trafficking in methamphetamine and received an indefinite prison sentence, claimed the State committed a Brady violation by failing to disclose the plea agreement and sentence of his co-defendant, which he asserted would have affected his plea negotiations. The Fifth District Court of Appeals affirmed the trial court, holding that Ludwig's petition was filed well beyond the statutory deadline and that he failed to satisfy the jurisdictional exceptions for untimely petitions under R.C. 2953.23(A)(1). The court further concluded that the co-defendant's plea agreement and sentence were neither material to Ludwig's guilt or innocence nor withheld by the State because they were matters of public record available before Ludwig entered his guilty plea. Additionally, the court held that Ludwig's claim was barred by the doctrine of res judicata because it could have been raised on direct appeal. Accordingly, the appellate court overruled Ludwig's sole assignment of error and affirmed the trial court's judgment.	King	8/6/2026
State v. Colwell	26 CAA 02 0011	Appeal from the Delaware County Court of Common Pleas, Case No. 25 CRI 10 0660	Affirmed	Sentencing Contrary to Law; Domestic Violence Danny Lee Colwell appealed the sentence imposed after he pleaded guilty in the Delaware County Court of Common Pleas to one count of fourth-degree felony domestic violence, arguing that the trial court failed to properly apply Ohio's felony sentencing statutes and improperly relied on dismissed and unproven allegations. The charges arose from an incident in which Colwell assaulted his girlfriend by choking, tackling, and shoving her, although he claimed they had merely been "playfighting" and that he acted in self-defense. Pursuant to a plea agreement, two strangulation charges were dismissed, and Colwell received a 14-month prison sentence. The Fifth District Court of Appeals affirmed, finding the sentence was within the statutory range and that the trial court properly considered the purposes and principles of felony sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12, including Colwell's extensive criminal history, repeated community control violations, substance abuse, high risk of recidivism, the violent nature of the offense, and the victim's injuries. The appellate court also rejected Colwell's claim that the trial court improperly relied on unproven allegations, concluding the sentencing decision was based on his documented criminal record and information contained in the presentence investigation report, of which he had notice. Accordingly, the court overruled both assignments of error and affirmed the judgment of the trial court.	Hoffman	8/6/2026