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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
Butt v. Butt	25CA00053	Appeal from the Court of Common Pleas of Licking County , Case No. 22CV846	Affirmed in Part, Reversed in Part, and Remanded	Trial court's finding that an attorney's conduct in a civil case was frivolous under R.C. 2323.51 was correct on one issue but incorrect on two others, and the trial court's award of attorney's fees as a sanction for the frivolous conduct lacked the necessary specificity. Plaintiff Frederick Butt appealed the trial court's decision finding that he engaged in frivolous conduct during litigation against his son, Gregg Butt, and ordering him to pay \$12,340 in attorney's fees, while Gregg cross-appealed seeking a higher award. The dispute arose after Frederick transferred property to Gregg and later sued to rescind the deed, alleging fraud based on an expectation that Gregg would remain in the home and provide care. Although Frederick's claims ultimately failed and summary judgment was granted to Gregg, the appellate court held that filing the lawsuit itself was not frivolous because the claims were legally recognized and supported by some evidence. However, the court agreed that certain actions—particularly Frederick's untimely jury demand made well beyond the deadline and without proper motion—constituted frivolous conduct warranting sanctions. The court rejected findings that pre-suit mediation efforts and Frederick's prior appeals were frivolous, noting those actions were either outside the statute governing sanctions or had arguable legal merit. Because the trial court failed to adequately explain how it calculated the attorney-fee award and improperly included non-frivolous conduct, the appellate court affirmed the finding of some frivolous conduct but reversed in part and remanded the case for reconsideration and a proper determination of the amount of attorney's fees attributable solely to the improper jury demand.	Gormley	2/17/2026
Weese v. Dalton	25 CA 000012	Appeal from the Court of Common Pleas of Guernsey County , Case No. 21CV000242	Judgment: Affirmed in Part, Reversed in Part, and Remanded	Creditor's claim that a debtor committed fraud is barred by the claim-preclusion doctrine where the same fraud claim was addressed on the merits in a different case between the same parties. A prior default judgment can be given preclusive effect in a later suit if the trial court in the default judgment made findings of fact and conclusions of law on the merits of the claim. The trial court in the current case properly found that a homeowner can invoke the R.C. 2329.66 homestead exemption, though the exemption amount is less than the homeowner's interest in the property, so a sale of the home is not barred. Plaintiff William Weese appealed the trial court's ruling that Ohio's homestead exemption prevented him from foreclosing on a home owned by Christina Dalton to satisfy a judgment against her late husband, Charles Dalton. The appellate court largely agreed with the trial court, holding that Weese could not relitigate allegations of fraud against Charles because those claims were barred by res judicata after a prior default judgment rejected the fraud allegations and was never appealed. The court also upheld the findings that Weese possessed a valid judgment lien and that Christina was entitled to assert the statutory homestead exemption because she resides in the home. However, the appellate court determined the trial court erred in concluding that the exemption completely barred foreclosure, explaining that the exemption protects only a specified dollar amount of equity—not the entire property—so a forced sale may proceed if sale proceeds exceed the exempt amount. The judgment was therefore affirmed in part, reversed in part, and remanded for further proceedings to allow foreclosure efforts consistent with the homestead exemption limits.	Gormley	2/17/2026
State v. Jones	25 CAA 07 0058	Appeal from the Delaware County Court of Common Pleas, Case No. 23 CR I 60303	Affirmed	Community control violation; Sentencing Tamica Jones appealed the July 3, 2025 judgment of the Delaware County Court of Common Pleas revoking her community control and imposing an indefinite prison sentence of four to six years after she pleaded guilty in 2023 to engaging in a pattern of corrupt activity. While on community control, Jones was required to report to probation, complete counseling, avoid Bath & Body Works stores, and pay restitution. Evidence showed she repeatedly failed to report, did not verify completion of treatment, paid only a small portion of restitution, and entered Bath & Body Works locations more than fifty times despite a no-contact order. At the revocation hearing, probation officers, investigators, and law enforcement testified--supported by surveillance footage and records identifying Jones in the stores. On appeal, Jones argued the trial court abused its discretion because three alleged violations lacked evidence and claimed her sentence was contrary to law because she was not properly notified of possible penalties. The appellate court rejected both arguments, finding substantial evidence supported numerous violations—any one of which justified revocation—and confirming she had been warned that a prison term could be imposed for violations. The court therefore affirmed the trial court's judgment.	Baldwin	2/17/2026
State v. Berg	2025 CA 0025	Appeal from the Coshocton County Court of Common Pleas, Case No. 14 CR 003	Affirmed	License Suspension Robert Berg appealed the Coshocton County Court of Common Pleas' denial of his 2025 motion for resentencing, arguing that the lifetime driver's license suspension imposed after his 2014 guilty pleas for failure to comply with a police officer and breaking and entering was not authorized by law. Berg claimed the indictment did not properly include elements supporting a lifetime suspension and therefore rendered his sentence void. The appellate court rejected these arguments, finding the indictment clearly referenced the applicable statutory provision and that a license suspension is a penalty, not an element of the offense that must appear in the indictment. The court further held that because Berg did not challenge the suspension in a direct appeal, his claims were barred by res judicata, and that his guilty plea also waived any alleged defects in the indictment. Accordingly, the appellate court affirmed the trial court's denial of Berg's motion for resentencing.	Popham	2/17/2026

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State v. Neff	2025CA0018	Appeal from the Coshocton County Court of Common Pleas, Case No. 24 CR 0031	Affirmed	Prosecutorial misconduct; Admissibility of evidence; Stacking of inferences; Sufficiency and manifest weight; Cumulative errors Kristin L. Neff appealed her jury conviction for one count of endangering children arising from the death of fifteen-month-old G.Y., who was healthy when dropped off at Neff's home for childcare but was later found unresponsive and pronounced dead after sustaining fatal blunt-force head injuries. Medical experts testified that G.Y.'s injuries were acute, caused by multiple instances of non-accidental trauma, and occurred within hours of her death while she was in Neff's care. At trial, the State presented evidence including Neff's statements to police, cell-phone data and text messages showing fatigue, illness, and activity patterns, her admission to marijuana use earlier that day, and expert testimony supported by limited autopsy photographs. The jury found Neff guilty and she was sentenced to 36 months in prison. On appeal, Neff argued prosecutorial misconduct, improper admission of text messages, phone data, marijuana evidence, and autopsy photos, improper inference stacking, insufficient evidence, and cumulative trial error. The appellate court rejected each claim, holding the challenged evidence was properly admitted or not preserved for appeal, the verdict was supported by both direct and circumstantial evidence rather than improper inferences, and sufficient evidence showed Neff recklessly violated her duty of care, creating a substantial risk to the child's safety. The court therefore affirmed her conviction and sentence.	Baldwin	2/17/2026
In re J.L.	2025 CA 00136	Appeal from the Stark County Court of Common Pleas, Family Court Division Case No.2024JCV01163	Affirmed	Permanent Custody Appellant B.C. (Mother) appealed the September 10, 2025 judgment of the Stark County Court of Common Pleas, Family Court Division, which terminated her parental rights and granted permanent custody of her child, J.L., to the Stark County Department of Job and Family Services (SCJFS), arguing the decision was not in the child's best interest. J.L. was born in September 2024 while Mother was incarcerated, and SCJFS immediately obtained temporary custody, placing the child with foster parents who had adopted J.L.'s half-sibling. Mother remained incarcerated throughout the case due to a child-endangering conviction involving that sibling, had no case plan, had never visited or formed a bond with J.L., and faced a projected release no earlier than November 2026. Testimony established J.L. was bonded with the foster family, who wished to adopt her, and that Mother would be unable to complete reunification requirements within a reasonable time. The trial court found J.L. abandoned and determined permanent custody was in her best interest. On appeal, the court applied sufficiency- and manifest-weight-of-the-evidence standards and concluded clear and convincing evidence supported the findings, including abandonment, Mother's incarceration for abuse of a sibling, and J.L.'s need for a legally secure placement. Accordingly, the appellate court affirmed the termination of Mother's parental rights and the grant of permanent custody to SCJFS.	King	2/19/2026
State v. Perrin	2025CA00044	Appeal from the Stark County Court of Common Pleas Case No. 2024CR2362B	Affirmed	Felonious Assault - Failure to Remove Juror Who Knew Witness - Manifest Weight - Self Defense Defendant-appellant Dorothy Perrin appealed her convictions in the Stark County Court of Common Pleas for felonious assault and discharge of a firearm on or near prohibited premises, both with firearm specifications, for which she received an aggregate prison sentence of ten to twelve years. The charges arose from a November 4, 2024 neighborhood altercation in Canton during which a fight broke out involving several individuals; after tensions escalated and the victim was beaten by a group, Perrin took a gun from a young boy and shot the victim in the arm while he held a pocket knife. At trial, Perrin claimed she acted in self-defense, asserting the victim threatened her and advanced toward her with a knife, though she admitted inserting herself into the dispute, initiating physical contact, and previously lying to police about key details. The jury found her guilty, and on appeal Perrin argued she was denied an impartial jury because a juror was friends with a testifying detective and that her conviction was against the manifest weight of the evidence. The appellate court rejected both claims, finding no abuse of discretion because the juror affirmed impartiality and was not challenged at trial, and concluding the evidence supported the jury's determination that Perrin was at fault in creating the confrontation and that the State disproved self-defense. The convictions and sentence were therefore affirmed.	Hoffman	2/19/2026
State v. Greene	25-COA-018	Appeal from the Ashland County Court of Common Pleas Case No. 24-CRI-314	Sentence Vacated and Remanded	Remand for issuance of a nunc pro tunc judgment entry on sentencing. Defendant-appellant Taeshawn Greene appealed the May 19, 2025 sentencing entry of the Ashland County Court of Common Pleas following his guilty pleas to breaking and entering, possessing criminal tools, and receiving stolen property, after a fourth charge was dismissed. Greene was sentenced to ninety days in jail, two years of community control, and fines, but argued the sentencing entry contained clerical errors because it failed to properly identify receiving stolen property as Count Four and incorrectly stated he was sentenced on Counts One, Two, and Three instead of Counts One, Three, and Four. The State agreed the entry contained typographical mistakes. The appellate court found the errors were clerical in nature and appropriate for correction through a nunc pro tunc entry, noting the written judgment did not accurately reflect what occurred at sentencing. Accordingly, the court vacated the sentencing entry and remanded the case for the limited purpose of issuing a corrected nunc pro tunc entry, leaving Greene's convictions and substantive sentence unchanged.	King	2/19/2026

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