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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
Franzmann v. Williamsburg Homeowners Assn., Inc.	2025-CA-00067	Appeal from the Stark County Court of Common Pleas, Case No. 2023-CV02380	Dismissed	Summary judgment; Final appealable order Adam Franzmann appealed the Stark County Court of Common Pleas' May 30, 2025 judgment granting summary judgment to the Williamsburg Village Homeowners Association and its board members in a dispute over a fence Franzmann installed that allegedly violated recorded HOA regulations, and denying his own motion for summary judgment on claims including breach of contract, promissory estoppel, and declaratory and injunctive relief. Although the trial court granted the HOA summary judgment on its counterclaim and found it entitled to attorney fees under R.C. 5312.11(A)(3), it did not determine the amount of those fees and did not include Civ.R. 54(B) "no just reason for delay" language. Because unresolved attorney-fee claims and the absence of Civ.R. 54(B) certification render the order nonfinal, the appellate court concluded it lacked jurisdiction and dismissed the appeal.	Popham	1/30/2026
State v. Lee	2025 AP 04 0016	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2022 CR 07 0252	Affirmed	R.C. 2929.19(B) - Trial Court has statutory duty to provide notice of post release control at the sentencing hearing. To validly impose post release control, a Trial Court must advise the Defendant 1) whether post release control is mandatory or discretionary, 2) the duration; 3) notice of Adult Parole Authority will administer the post release control and any violation will subject the defendant to the consequences set forth in the statute Gary A. Lee appealed the Tuscarawas County Court of Common Pleas' denial of his motion seeking release from what he claimed was an improperly imposed term of postrelease control following his 2023 convictions for gross sexual imposition and pandering sexually oriented matter involving an impaired person, for which he received an aggregate 24-month prison sentence. Lee argued the trial court failed to properly advise him of postrelease control at sentencing, but the trial court found—and the appellate court agreed—that the sentencing transcript shows Lee was informed of a mandatory five-year period of postrelease control, the role of the parole board, and the consequences of violations, satisfying statutory and case-law requirements. The court further rejected Lee's claim that the court was required to state that additional prison time for committing a new felony while on postrelease control was mandatory, noting that the statute provides discretionary consequences for violations. Accordingly, the appellate court overruled Lee's sole assignment of error and affirmed the judgment.	Hoffman	1/30/2026
State v. Miller	2025 CA 00062	Appeal from the Stark County Court of Common Pleas, Case No. 2025 CR 0025	Affirmed	Operating a Vehicle Impaired ("OVI"); Manifest weight and sufficiency Jonathan Eric Miller appealed his May 12, 2025 convictions and sentence arising from two incidents: a bad-check deposit to a credit union in October 2024 and a December 2024 crash in which he was found unconscious behind the wheel with drugs in his vehicle and signs of intoxication. Following a jury trial, Miller was acquitted of forgery and passing bad checks but convicted of possession of heroin, possession of a fentanyl-related compound, theft, and operating a vehicle under the influence (OVI), and was sentenced to 120 days in jail, three years of community control, restitution of \$912, and a reserved 12-month prison term. On appeal, Miller challenged only the OVI conviction, arguing it was unsupported by sufficient evidence and against the manifest weight of the evidence because no chemical testing was performed and his condition could be attributed to low blood sugar or the crash. The appellate court rejected these arguments, noting that chemical testing is not required, witnesses observed clear signs of impairment, drugs were found in Miller's car, paramedics found no medical emergency, and Miller admitted ingesting what he believed was Xanax and being "messed up." Finding sufficient evidence and no manifest miscarriage of justice, the court overruled both assignments of error and affirmed the judgment.	King	1/30/2026
In re D.L.	2025 CA 00068	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2020 DEP 00091	Affirmed	Permanent Custody The mother appealed the Richland County Juvenile Court's August 28, 2025 judgment adopting a magistrate's decision that terminated her parental rights and granted permanent custody of her two autistic children to Richland County Children Services, arguing the decision was unsupported by sufficient and credible evidence. The appellate court affirmed, finding clear and convincing evidence that the children could not be placed with Mother within a reasonable time and, as to one child, that the statutory "12 of 22 months" in agency custody requirement was satisfied. The record showed years of unsafe and unsanitary housing, homelessness, refusal to engage in mental-health treatment or autism-specific parenting services, failure to complete parenting education, persistent hostility toward service providers, and inability to meet the children's significant medical and developmental needs. Multiple witnesses testified the children regressed after parental visits but made substantial improvements in hygiene, communication, emotional regulation, and daily functioning once placed in foster care and a structured group home. Concluding that the children required a legally secure, stable placement that the parents could not provide, and that permanent custody with RCCS served their best interests, the appellate court overruled Mother's assignment of error and affirmed the judgment.	Popham	1/30/2026

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In re D.L.	2025 CA 00069	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2020 DEP 00092	Affirmed	Permanent Custody The mother appealed the Richland County Juvenile Court’s August 28, 2025 judgment adopting a magistrate’s decision that terminated her parental rights and granted permanent custody of her son Dylan to Richland County Children Services, arguing the ruling was unsupported by sufficient and credible evidence. The appellate court affirmed, noting Dylan had been in the agency’s temporary custody for more than twelve months of a consecutive twenty-two-month period and that, after more than four years of agency involvement, Mother failed to remedy the conditions leading to removal, including unsafe and unsanitary housing, homelessness, refusal to engage in mental-health treatment and autism-specific parenting services, and inability to meet Dylan’s significant special needs. Witnesses testified Mother was frequently hostile to providers, remained medically and functionally unable to care for the children, and made little sustained progress despite extensive services, while Dylan showed substantial improvement in foster care and regressed after parental visits. Concluding that Dylan could not be placed with Mother within a reasonable time and that permanent custody was in his best interest to provide stability and specialized care, the appellate court overruled Mother’s sole assignment of error and affirmed the judgment.	Popham	1/30/2026
State v. Oglesby	2024 CA 0087	Appeal from the Richland County Mansfield Municipal Court, Case No. 2023 CRB 4035	Dismissed	Appellant passed away prior to oral argument, no substitution of party made. Joseph J. Oglesby appealed his October 1, 2024 Mansfield Municipal Court convictions for failure to disclose his identification, criminal trespass, and disorderly conduct, for which a jury found him guilty and he was sentenced to concurrent thirty-day jail terms with all but four days suspended. While the appeal was pending and before scheduled oral argument, Oglesby’s counsel filed a suggestion of death, and no party moved to substitute a personal representative or other proper party as required by App.R. 29(A) and the procedures outlined in <i>State v. McGettrick</i>. The appellate court determined that more than a reasonable time had passed without a motion for substitution and, consistent with prior precedent, concluded the appeal was moot. Accordingly, the court dismissed the appeal.	King	1/30/2026
Dunson v. Adam Lee Auto Body	2025CA00105	Appeal from the Stark County Canton Municipal Court, Case No. 2025CVI2452	Affirmed	Summary judgment David Dunson appealed the June 24, 2025 judgment of the Canton Municipal Court granting summary judgment in favor of Adam Lee Auto Body, asserting that genuine issues of material fact existed regarding whether the contracted painting and body work on his 1971 Pontiac Grand Prix was performed and whether additional video and text evidence showed disputes about the quality and completion of the work. However, Dunson filed only a one-page brief that merely listed his two assignments of error and failed to include a statement of facts, citations to the record, legal authority, or developed argument as required by App.R. 16. Citing App.R. 12(A)(2) and relevant case law, the appellate court concluded it could disregard the inadequately briefed assignments of error and that it was not the court’s role to construct arguments on the appellant’s behalf. Accordingly, both assignments of error were overruled, and the municipal court’s judgment was affirmed.	Baldwin	2/2/2026
State v. Crawford	2025 CA 0028	Appeal from the Richland County Court of Common Pleas, Case No. 2024-CR-0571 N	Affirmed	Anders Christopher Crawford appealed his convictions and four-to-six-year prison sentence for aggravated trafficking in drugs and aggravated possession of drugs (methamphetamine), imposed after he pleaded guilty to both charges following a Richland County Grand Jury indictment. Appellate counsel filed an Anders brief, asserting that after reviewing the record no meritorious issues for appeal existed, and identified only potential claims that the trial court erred in accepting the guilty plea and sentencing Crawford, and that trial counsel was ineffective. The appellate court conducted an independent review of the record, found that the trial court fully complied with Crim.R. 11, properly advised Crawford of his rights and potential penalties, and imposed a lawful sentence within the statutory range after considering the relevant sentencing factors. The court also found no evidence of deficient performance or prejudice supporting an ineffective assistance claim. Concluding that the appeal was wholly frivolous, the court granted counsel’s motion to withdraw and affirmed the judgment of the trial court.	Baldwin	2/2/2026
In re M.M.	2025CA0021	Appeal from the Coshocton County Court of Common Pleas, Juvenile Division, Case No. 20243006	Affirmed	Permanent custody N.M., the biological father of twins S.M. and M.M., appealed the trial court’s decision terminating his parental rights and granting permanent custody to Coshocton County Job and Family Services, arguing the best-interest finding was unsupported by sufficient evidence and against the manifest weight of the evidence. The twins were placed in emergency temporary custody at birth due to unresolved case plan issues and serious concerns arising from the parents’ treatment of their older children, whose parental rights were later involuntarily terminated. After the children had been in agency custody for more than twelve months of a twenty-two-month period, the guardian ad litem again moved for permanent custody, presenting evidence of longstanding domestic violence, neglect, instability, and the father’s poor attendance at supervised visits. The appellate court concluded that the statutory grounds for permanent custody were met, including the prior termination of parental rights to siblings and the father’s lack of consistent commitment, and that clear and convincing evidence supported the trial court’s determination that permanent custody was in the twins’ best interests. Accordingly, the sole assignment of error was overruled and the judgment was affirmed.	Baldwin	2/2/2026

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In re S.M.	2025CA0020	Appeal from the Coshocton County Court of Common Pleas, Juvenile Division, Case No. 20243005	Affirmed	Permanent custody N.M., the biological father of twins S.M. and M.M., appealed the termination of his parental rights and the award of permanent custody to Coshocton County Job and Family Services, arguing the trial court's best-interest determination was unsupported by sufficient evidence and against the manifest weight of the evidence. The twins were placed in emergency temporary custody at birth because both parents were already subject to unresolved case plans involving older siblings, whose cases included serious concerns such as domestic violence, neglect, instability, and substance abuse, and whose parental rights were later involuntarily terminated. Although an initial request for permanent custody of the twins was denied due to statutory timing issues, the children remained in agency custody for more than twelve months of a twenty-two-month period, and a subsequent motion for permanent custody was granted after evidence showed ongoing risk factors and the father's inconsistent attendance at supervised visits. The appellate court held that statutory grounds for permanent custody were established, that at least one factor demonstrated the children could not be placed with the father within a reasonable time, and that clear and convincing evidence supported the trial court's best-interest finding. Accordingly, the sole assignment of error was overruled and the judgment was affirmed.	Baldwin	2/2/2026
Grippando-Wright v. Smith	2025 CA 00068	Appeal from the Licking County Court of Common Pleas, Case No. 24 CV 00996	Appeal Dismissed	App.R. 16(A) - Appellant's Failure to Comply Warrants Dismissal Defendant-appellant Tabetha Grippando appealed the August 15, 2025 judgment of the Licking County Court of Common Pleas, which granted summary judgment to plaintiffs-appellees Trennell Smith and others. The case concerned property at 10550 Blacksnake Road that Grippando inherited from her adoptive father, Rex Wright. Before his death, Wright had entered a lease agreement with Smith and another party that included an option for them to purchase the property by October 31, 2026. After Wright's death in May 2024, the property transferred to Grippando, and the appellees exercised their purchase option, which she refused to honor. The lower court upheld the validity of the lease and purchase option. On appeal, however, the Fifth District Court of Appeals found Grippando's pro se brief failed to comply with Ohio Appellate Rule 16, as it lacked required sections like a statement of facts, law, or coherent argument. Because her noncompliant brief prevented meaningful review, the court dismissed the appeal for want of prosecution under App.R. 18(C).	Hoffman	2/3/2026
State v. Culbertson	2025CA00046	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR2583	Affirmed	Physical injury; Introduction of documents On December 15, 2024, Sergeant Michael Jones of the Alliance Police Department responded to a call at Towne Tavern, where Emanuel Culbertson threatened and struck Jones in the face, leading to a physical altercation. Culbertson was charged with assault and obstructing official business but was found guilty only of assault in a bench trial. On appeal, he argued that the trial court relied on exhibits not formally admitted into evidence and that the State failed to prove physical harm as required by Ohio's assault statute. The Fifth District Court of Appeals rejected these claims, finding the body-camera videos and photos were properly treated as admitted since both parties relied on them at trial, and testimony showed Jones suffered injury when struck. The court held that even minimal injury satisfied the "physical harm" element under R.C. 2903.13(A), and thus, Culbertson's conviction was supported by sufficient, credible evidence. The judgment of the Stark County Court of Common Pleas was affirmed.	Montgomery	2/3/2026
In re M.G.	2025CA00118	Appeal from the Court of Common Pleas of Stark County , Family Court Division, Case No. 2024JCV00453	Affirmed	The trial court properly awarded permanent custody of mother's two children to a county children's services agency. Sarah S. appealed the Stark County Family Court's decision granting permanent custody of her daughter, M.G., to Stark County Job & Family Services, arguing that M.G. could be returned to her within a reasonable time and that permanent custody was not in the child's best interest. The appellate court affirmed, finding clear and convincing evidence that Sarah failed to remedy the conditions that led to M.G.'s removal, despite reasonable case-planning efforts by the Agency. M.G. was removed due to Sarah's substance abuse and unstable housing, and although Sarah was offered services including assessments, counseling, drug testing, and assistance with housing and employment, she continued to test positive for illegal drugs throughout the case, including in the month of the permanent-custody hearing, and failed to demonstrate stable income or secure long-term housing. The court also concluded that permanent custody was in M.G.'s best interest because she was thriving in a stable foster home with her sister, had bonded with the foster family who wished to adopt her, and no safe, stable alternative placement with Sarah was available. Accordingly, the trial court's termination of Sarah's parental rights and grant of permanent custody to the Agency was affirmed.	Gormley	2/3/2026
In re L.G.	2025CA00117	Appeal from the Court of Common Pleas of Stark County , Family Court Division, Case No. 2024JCV00452	Affirmed	The trial court properly awarded permanent custody of mother's two children to a county children's services agency. Sarah S. appealed the Stark County Family Court's judgment granting permanent custody of her daughter, L.G., to Stark County Job & Family Services, arguing that L.G. could be returned to her within a reasonable time and that permanent custody was not in the child's best interest. The appellate court affirmed, finding clear and convincing evidence that Sarah failed to remedy the conditions that led to L.G.'s removal, despite reasonable case-planning efforts by the Agency. L.G. was removed due to Sarah's substance abuse and unstable housing, and although Sarah completed assessments and was offered counseling, drug testing, and assistance with housing and employment, she continued to test positive for illegal drugs throughout the case, including in the month of the permanent-custody hearing, and did not demonstrate stable income or reliable long-term housing. The court also determined that permanent custody was in L.G.'s best interest because she was thriving in a stable foster home with her sister, had bonded with foster parents who wished to adopt both girls, was doing well in school, and no safe and stable placement with Sarah was available. Accordingly, the trial court's termination of Sarah's parental rights and grant of permanent custody to the Agency was affirmed.	Gormley	2/3/2026

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State v. Campbell	2025CA00072	Appeal from the Stark County Massillon Municipal Court, Case Nos. 2024-CRB-1462 & 2024 TRD 6362	Affirmed	Sufficiency; Weight of the evidence; Jury view; Jury instructions Randon Raymone Campbell appealed his convictions for obstructing official business and having an obstructed license plate following a jury trial in Massillon Municipal Court, as well as his jail sentence for the obstruction offense, but the appellate court affirmed. Campbell was stopped after an officer observed a dark license-plate cover that obstructed visibility, and evidence from officer testimony, dash-camera, and body-camera footage supported the stop and the finding that the plate was obstructed. The court rejected Campbell's claims that the trial court should have allowed a jury view of the plate, that the evidence was insufficient or against the manifest weight, and that the best-evidence rule was violated. The court also found that the jury was adequately instructed on obstructing official business and that any minor instructional deficiencies were harmless in light of overwhelming evidence that Campbell repeatedly refused lawful commands to exit his vehicle. Finally, the court held that Campbell's 90-day jail sentence (with 30 days suspended) fell within statutory limits and was not an abuse of discretion, and that any failure to personally address Campbell at sentencing was harmless. Accordingly, all assignments of error were overruled and the convictions and sentence were affirmed.	Popham	2/3/2026
State v. Campbell	2025CA00071	Appeal from the Stark County Massillon Municipal Court, Case Nos. 2024-CRB-1462 & 2024 TRD 6362	Affirmed	Sufficiency; Weight of the evidence; Jury view; Jury instructions Randon Raymone Campbell appealed his convictions for obstructing official business and having an obstructed license plate, as well as his jail sentence, following a jury trial in Massillon Municipal Court, but the appellate court affirmed. Campbell was stopped after an officer observed a dark license-plate cover that obstructed visibility, and the trial court properly denied his motion to suppress and his request for a jury view of the actual plate, relying instead on officer testimony, dash-camera and body-camera footage, and photographs. The court held that sufficient evidence supported the minor-misdemeanor plate conviction and that the finding was not against the manifest weight of the evidence. Although Campbell argued the jury was improperly instructed on obstructing official business, the appellate court concluded any instructional deficiency was harmless because overwhelming evidence showed he repeatedly refused lawful commands to exit his vehicle during a valid traffic stop. Finally, the court determined that Campbell's 90-day jail sentence (with 30 days suspended) fell within statutory limits and was not an abuse of discretion, and that any failure to personally address Campbell at sentencing was harmless. Accordingly, all assignments of error were overruled and the judgment was affirmed.	Popham	2/3/2026
State v. Neff	25 CAA 08 0064	Appeal from the Delaware County Court of Common Pleas, Case Nos. 20 CR I 06 0408 & 24 CR I 12 0720	Affirmed	Anders brief on two theft cases Michael Neff appealed his August 4, 2025 convictions and consecutive twelve-month sentences in two Delaware County theft cases, one stemming from a 2020 indictment to which he had pled guilty but absconded before sentencing, and a second arising from a 2024 indictment to which he pled guilty on August 1, 2025. Appointed appellate counsel filed an Anders brief and moved to withdraw, asserting no non-frivolous issues existed, and Neff did not submit a pro se brief. Counsel suggested only that the trial court may have erred by finding Neff guilty in the 2024 case without having him articulate a guilty plea, but the appellate court found the record showed Neff both signed a written guilty plea and orally confirmed multiple times during the plea colloquy that he was withdrawing his not-guilty plea and pleading guilty knowingly, voluntarily, and intelligently, in full compliance with Crim.R. 11. The court further determined that Neff's sentences were within the statutory range, that the trial court properly considered the relevant sentencing factors, and that the consecutive sentences were supported by the record. After independently reviewing both cases, the appellate court agreed the appeal was wholly frivolous, granted counsel's motion to withdraw, and affirmed the judgments of the trial court.	King	2/3/2026
State v. Parker	2025CA00043	Appeal from the Court of Common Pleas of Stark County , Case No. 2024CR2311	Affirmed	Defendant's ineffective-assistance-of-counsel claim falls short where that claim is grounded on defense counsel's change in strategy after delivering an opening statement. Tactical adjustments in the course of a trial typically do not reflect deficient performance, and nothing in the record suggests that the shift in strategy after the opening statement led to a worse outcome for the defendant. Lanair Parker appealed his domestic-violence conviction, arguing that his trial counsel was ineffective for briefly characterizing the incident as an "accident" in opening statements but then abandoning that theory, failing to present supporting evidence, and not requesting an accident jury instruction. The appellate court rejected this claim, concluding that counsel's opening remarks and subsequent shift in strategy were permissible tactical decisions and did not fall below an objective standard of reasonableness, particularly where counsel vigorously cross-examined the State's witnesses and challenged the victim's credibility. The court also found no prejudice, noting that opening statements are not evidence, Parker was acquitted of the more serious felonious-assault charge, and no trial evidence supported an accident instruction. Because Parker failed to demonstrate deficient performance or a reasonable probability of a different outcome, the court affirmed his domestic-violence conviction.	Gormley	2/4/2026