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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
In re S.H.	2026 CA 00010	Appeal from the Fairfield County Court of Common Pleas, Juvenile Division, Case No. AB20230112	Affirmed	Permanent custody; Reasonable efforts by agency; Best interest of child; R.C. 2151.414 The Fifth District Court of Appeals affirmed the Fairfield County Juvenile Court's decision granting permanent custody of two young children, P.H. and S.H., to Fairfield County Child Protective Services and terminating their mother's parental rights. The court found the agency made reasonable efforts over more than two years to reunify the family by providing counseling referrals, substance abuse treatment, housing assistance, visitation, transportation assistance, and case management. Although the mother made progress in counseling and maintained a strong bond with her children, she continued to demonstrate poor decision-making through repeated criminal charges, unstable relationships involving violence, inconsistent participation in the children's medical care, unemployment, housing instability, and associations with unsafe individuals. The appellate court concluded the children had been in agency custody well beyond the statutory timeframe, were thriving in foster care, and required the stability and security that permanent custody would provide. It rejected all four of the mother's assignments of error, holding that the agency's reunification efforts were reasonable, permanent custody was in the children's best interests, the children could not be safely returned to the mother, and the trial court properly denied her motion to terminate temporary custody.	Montgomery	7/10/2026
In re P.H.	2026 CA 00009	Appeal from the Fairfield County Court of Common Pleas, Juvenile Division, Case No. AB20230111	Affirmed	Permanent custody; Reasonable efforts by agency; Best interest of child; R.C. 2151.414 The Fifth District Court of Appeals affirmed the Fairfield County Juvenile Court's decision granting permanent custody of two young children, P.H. and S.H., to Fairfield County Child Protective Services and terminating their mother's parental rights. The court held that the agency made reasonable efforts to reunify the family through counseling referrals, substance abuse treatment, housing assistance, visitation, and case management, but the mother continued to demonstrate poor judgment through repeated criminal charges, unstable and violent relationships, inconsistent participation in her children's medical care, unemployment, housing instability, and associations with unsafe individuals. Although the mother made progress on parts of her case plan and shared a strong bond with her children, the court found the children had been in agency custody for more than two years, were thriving in foster care, and needed the stability and permanence that adoption could provide. The appellate court rejected all four assignments of error, concluding that the agency's reunification efforts were reasonable, permanent custody was in the children's best interests, the children could not safely be returned to the mother, and the trial court properly denied her motion to terminate temporary custody.	Montgomery	7/10/2026
State v. Richter	2025 CA 00091	Appeal from the Stark County Court of Common Pleas, Case No. 2025 CR 0690	Affirmed	Sufficiency/Manifest Weight Ryan Richter appealed his Stark County conviction for second-degree robbery, arguing that the State failed to present sufficient evidence that he possessed a deadly weapon during the theft and that his conviction was against the manifest weight of the evidence. The case arose from a February 2025 incident in which a masked individual stole a carton of cigarettes from a Vapor Town store while appearing to have a handgun in his pocket. Although no witness could positively identify Richter as the robber, investigators linked him to the crime through distinctive hand tattoos, surveillance footage, clothing matching that worn by the suspect, and a later visit to the same store where he used a debit card identifying himself. The Fifth District Court of Appeals held that testimony from experienced law enforcement officers that the object in the suspect's pocket appeared to be a semiautomatic handgun was sufficient to establish possession of a deadly weapon for purposes of the robbery statute, even though no firearm was recovered. The court further found that the circumstantial evidence identifying Richter as the perpetrator was credible and that the jury did not lose its way in finding him guilty. Accordingly, the court overruled both assignments of error and affirmed Richter's conviction and sentence.	Popham	7/13/2026
State v. Hill	CT2026-0005 CT2026-0006	Appeal from the Muskingum County Court of Common Pleas, Case Nos. CR2025-0561 CR2026-0641	Affirmed	Sentencing Michael Hill appealed his sentence after pleading guilty in Muskingum County to one count each of domestic violence and abduction and nine counts of intimidation stemming from his abuse of his cohabiting partner and repeated threats made from jail to prevent her from cooperating with prosecutors. The trial court imposed concurrent 24-month sentences for the domestic violence and abduction convictions, grouped the intimidation offenses into three sets with concurrent sentences within each group, ordered the three groups to run consecutively for a total of 108 months, then ordered that sentence to run consecutively to the 24-month sentence for the underlying offenses, resulting in an aggregate 132-month prison term, plus an additional consecutive one-year sentence for violating post-release control. On appeal, Hill argued that his sentence, particularly the consecutive terms, was contrary to law. The Fifth District Court of Appeals rejected his claim, finding that the trial court properly considered the purposes and principles of felony sentencing, the seriousness and recidivism factors, and made all findings required by Ohio law to impose consecutive sentences. The appellate court also concluded that the trial court imposed separate sentences for each offense rather than an impermissible "omnibus" sentence, and therefore affirmed Hill's sentence in its entirety.	Baldwin	7/13/2026



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State v. Hammond	CT2025-0125	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0583	Reversed and remanded in part; affirmed in part.	Sentencing; Firearm Specification Timothy Hammond appealed his sentence after pleading guilty in Muskingum County to one count of having a weapon while under disability, one count of tampering with evidence, and one count of aggravated possession of drugs with a one-year firearm specification. The trial court sentenced him to concurrent 12-month prison terms on the three underlying offenses and a consecutive one-year term for the firearm specification, for an aggregate sentence of 24 months, while treating the prison term for the drug possession offense as mandatory. On appeal, Hammond argued that his guilty plea was not knowing and voluntary because he was incorrectly advised that the firearm specification made the underlying drug sentence mandatory and ineligible for judicial release or earned credit, and that the trial court erred by imposing a mandatory prison term on the underlying offense. The State agreed with Hammond, conceding that under the Fifth District's recent decision in <i>State v. Young</i>, the trial court incorrectly treated the underlying sentence as mandatory. The Court of Appeals sustained Hammond's first two assignments of error, reversed the sentence, and remanded the case for resentencing. However, it rejected his third argument that the indictment unfairly created a legal disability because he failed to raise that issue in the trial court and did not establish plain error.	Baldwin	7/13/2026
State v. Kopchak	CT2025-0121	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2025-0473	Reversed and Remanded	A criminal defendant's conviction on a charge of failing to register as a sex offender under R.C. 2950.04(E) was not supported by sufficient evidence where the evidence at trial showed that he did in fact register. And while he arguably violated R.C. 2950.06, which requires sex offenders to periodically verify their addresses and provide other information, the sheriff's office never sent the kind of warning letter that is a prerequisite to a criminal charge for violating that provision. The case is remanded for resentencing because the trial court mistakenly imposed a definite prison term for an F1 offense to which the Reagan Tokes Act applies. Todd Kopchak appealed his convictions for failing to register as a sex offender and failing to provide notice of a change of address, arguing that the evidence was insufficient to support the failure-to-register conviction. The appellate court agreed, finding that Kopchak had properly completed his required sex offender registrations after his 2017 conviction and again following his release from prison in April 2025, and that the conduct relied upon by the State—missing a scheduled verification date, failing to make daily reports while homeless, and providing insufficient information about where he was staying—did not constitute a violation of the failure-to-register statute under which he was charged. Instead, the court concluded that the State had charged the wrong offense and that any amendment would have improperly changed the identity of the crime. Accordingly, the court vacated the failure-to-register conviction, barred retrial on that charge under double jeopardy principles, and further held that the trial court improperly imposed a definite prison term rather than the indefinite sentence required by Ohio's Reagan Tokes Act for the remaining first-degree felony conviction for failing to provide notice of a change of address. The case was therefore remanded for resentencing on the remaining conviction.	Gormley	7/13/2026
Helfrich v. Hopson	2025-CA-00097	Appeal from the Licking County Municipal Court, Case No. 25CVG00675	Affirmed in part; Reversed in part; Judgment Entered	Landlord-Tenant; Damages James Helfrich appealed a Licking County Municipal Court judgment awarding him \$1,565.13 in damages against former tenant Lonnie Hopson following an eviction, arguing that the trial court improperly denied additional compensation for damage to the rental property. The Fifth District Court of Appeals held that while receipts are not required to prove damages, a landlord must still present competent evidence linking the claimed costs to the tenant's conduct. The court found that Helfrich provided sufficient testimony to support additional damages for cleaning the oven and refrigerator, replacing a refrigerator handle, hauling away trash, repairing the yard, and replacing damaged window screens, totaling an additional \$645. However, it agreed with the trial court that Helfrich failed to adequately prove the remaining claimed damages because he lacked evidence establishing repair costs, estimates, or the value of replaced items, and photographs alone were insufficient. The appellate court also rejected Helfrich's claims that the magistrate improperly limited his testimony, that the court was biased, and that it should issue an advisory opinion regarding recovery based on diminished property value. The court affirmed the judgment in part, reversed it in part, and entered final judgment in Helfrich's favor for \$2,210.13 plus statutory interest, while one judge dissented, concluding the trial court's original findings should have been upheld in full.	Popham	7/13/2026



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State v. Olmos-Silva	25 CAA 12 0116	Appeal from the Delaware County Court of Common Pleas, Case No. 25 CRI 02 0112	Affirmed	Guilty plea; Crim.R. 11; Sentencing factors; Voluntary plea Crispulo Olmos-Silva appealed his Delaware County conviction and four-to-six-year prison sentence for burglary, arguing that his guilty plea was not entered knowingly and voluntarily because he believed he would receive a three-year sentence under an earlier plea offer, and that the trial court improperly relied on unproven criminal allegations from other jurisdictions when sentencing him. The Fifth District Court of Appeals rejected both arguments, finding that the trial court fully complied with Criminal Rule 11 by providing a certified Spanish interpreter, a Spanish-speaking attorney, and Spanish-language plea documents, while clearly explaining that any sentencing recommendation was not binding and that the court retained full discretion to impose any lawful sentence. The court also held that the sentencing judge properly considered the presentence investigation report, Appellant's criminal history, and pending charges only as relevant recidivism factors under Ohio's sentencing statutes, not as proof of additional crimes. Because the sentence fell within the statutory range and the trial court properly considered the purposes and principles of felony sentencing, the appellate court overruled both assignments of error and affirmed the conviction and sentence.	Montgomery	7/13/2026
State v. Tripodo	2025CA00138	Appeal from the Canton Municipal Court of Stark County , Case No. 2025 TRC 4090	Affirmed	Suppression Motion, Continued Detention The Fifth District Court of Appeals affirmed Carrie Ann Tripodo's OVI conviction after concluding the Canton Municipal Court properly denied her motion to suppress. Police stopped Tripodo after her boyfriend reported that she had been drinking, had struck him during a domestic dispute, and had driven away in a blue Cadillac. During the stop, the officer observed multiple indicators of possible impairment, including an odor of alcohol, an admission that she had been drinking, difficulty locating her driver's license, slurred speech, swaying, and unsteadiness. The appellate court held that, considering the totality of the circumstances, the officer had reasonable and articulable suspicion to continue detaining Tripodo and request field sobriety testing. Accordingly, the court overruled her assignments of error and affirmed her conviction and sentence.	Hoffman	7/14/2026
State v. Johnson	25CA000041	Appeal from the Court of Common Pleas of Guernsey County , Case No. 21CR000188	Affirmed	Whether or not a criminal defendant is already serving a prison term when he or she enters a guilty or no-contest plea to one or more felony charges, nothing in Criminal Rule 11(C)(2)(a) requires the trial judge at the plea-change hearing to explain that any prison terms in the case could be imposed consecutively to any prison term or terms that the defendant might be serving on the date of the sentencing hearing. The Fifth District Court of Appeals affirmed Travell Johnson's conviction for third-degree-felony aggravated possession of drugs, rejecting his argument that his guilty plea was invalid because the trial court did not advise him in 2021 that any prison sentence could later be imposed consecutively to another sentence. The court held that Criminal Rule 11 did not require such an advisement because consecutive sentencing was not mandatory, Johnson was not incarcerated on another sentence when he entered his plea, and the trial court could not have anticipated that he would later commit federal offenses and receive a federal prison sentence before being sentenced in the Guernsey County case. The court also noted that, when Johnson was finally sentenced in 2025, the trial judge explained the possibility of consecutive sentencing and offered him the opportunity to withdraw his plea, but Johnson chose to proceed. Accordingly, the court found his plea knowing, intelligent, and voluntary and affirmed the judgment.	Gormley	7/14/2026
State v. Bennett	2025 AP 11 0037	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2025 CR 05 0164	Affirmed	Sentencing The Fifth District Court of Appeals affirmed William R. Bennett IV's 18-month prison sentence after he pleaded guilty to multiple offenses arising from threatening and harassing telephone calls to police officers, dispatchers, and a neighbor. Bennett argued that the trial court should have imposed community control instead of prison, but the appellate court held that the sentence was lawful because the trial court properly considered Ohio's felony-sentencing purposes and seriousness and recidivism factors. The court emphasized Bennett's extensive criminal history, including more than 60 convictions and prior telephone-harassment offenses, his repeated threats against law-enforcement personnel and their families, lack of remorse, and the trial court's conclusion that he would not comply with community-control conditions. Because the 18-month sentence fell within the statutory range and was not clearly and convincingly contrary to law, the appellate court affirmed the judgment.	Hoffman	7/16/2026



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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 The Fifth District Court of Appeals affirmed Demeterius L. Rucker's sentence after he pleaded guilty to multiple drug-trafficking and drug-possession offenses involving cocaine and fentanyl. Rucker argued that the trial court violated his due-process rights by appearing to have predetermined his sentence during the plea hearing, but the appellate court rejected that claim. The court held that the trial judge's preliminary discussion of a possible sentencing range did not demonstrate bias or prejudgment, particularly because the judge later considered the presentence investigation, the parties' arguments, letters and statements from Rucker's family, and other mitigating evidence before imposing sentence. The court also found that Rucker's sentences—an aggregate indefinite term of 17 to 22½ years, including consecutive sentences for two first-degree felony drug-trafficking offenses—were within the statutory ranges and that the trial court made the required findings to support consecutive sentences. Accordingly, the court overruled Rucker's assignment of error and affirmed the judgment.	Baldwin	7/16/2026
State v. Pritchard	CT2025-0122 CT2025-0140	Appeal from the Muskingum County Court of Common Pleas, Case Nos. CR2023-0347 CR2023-0213	Affirmed	Ineffective assistance of counsel; Sentencing The Fifth District Court of Appeals affirmed Thomas Pritchard's convictions and sentences after he pleaded guilty to multiple offenses, including kidnapping, grand theft of a motor vehicle, receiving stolen property, and OVI. Pritchard argued that his trial counsel was ineffective for stipulating to a competency-restoration report and failing to request another evaluation, and that the trial court improperly accepted his guilty pleas without conducting the required competency hearing. The appellate court rejected both arguments, finding that Pritchard had initially been found incompetent but was later evaluated after treatment and determined to have been restored to competency, and that the parties properly stipulated to the written restoration report. The court further held that Pritchard's participation in the plea hearing, his relevant questions, and his ability to understand and respond to the proceedings did not demonstrate incompetency. Because the trial court conducted an adequate competency-restoration proceeding and the record did not raise a reasonable question about Pritchard's competency when he entered his pleas, the court overruled his assignments of error and affirmed the judgments.	Baldwin	7/16/2026
Artex Minerals, L.L.C. v. Foraker	25CA000044	Appeal from the Court of Common Pleas of Guernsey County , Case No. 24CV000331	Reversed and remanded	Both the holder and any successors of the holder of underground-mineral rights have standing to challenge a purported abandonment of the mineral rights where arguably the surface-rights owner who tried to acquire those mineral rights through the Dormant Mineral Act's abandonment process did not comply with the notice requirement in R.C. 5301.56(E). The Fifth District Court of Appeals reversed the trial court's grant of summary judgment to Robert and Kathleen Foraker in a dispute over ownership of underground mineral rights beneath 43 acres in Guernsey County. Although the Forakers claimed they acquired an 80% mineral interest through Ohio's Dormant Mineral Act after publishing notice, filing an affidavit of abandonment, and recording a marginal notation on the original deed, the court held that Artex Minerals, which later acquired the mineral interest from the original holder, Kingston Oil Corporation, had standing to challenge whether the Forakers properly complied with the Act's notice requirements. Because the record did not establish whether the Forakers exercised the required reasonable diligence to identify and notify Kingston before resorting to newspaper publication, the court concluded that the validity of the alleged abandonment remained unresolved. The case was therefore remanded for further proceedings, with the Forakers bearing the burden of proving compliance with the Act, while the court left unresolved whether any time limits or equitable doctrines might eventually bar a delayed challenge to the alleged abandonment.	Gormley	7/16/2026