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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. Feagin	2025 CA 0081	Appeal from the Common Pleas Court of Richland County , Ohio, Case No. 24 CR 0725N	Reversed and Remanded	Guilty plea; Failure of trial court to inform defendant of constitutional rights The Fifth District Court of Appeals reversed the conviction of Charles Feagin after finding that his guilty pleas were not entered knowingly, intelligently, and voluntarily. Feagin had pleaded guilty to multiple cocaine and methamphetamine trafficking and possession offenses stemming from three controlled drug buys in May 2024 and was sentenced to an aggregate prison term of 10 to 12 years. On appeal, the court held that the trial court failed to comply with Ohio Crim.R. 11(C)(2)(c) because it did not advise Feagin of the constitutional rights he was waiving by pleading guilty, including his rights to a jury trial, confront witnesses, compulsory process, proof beyond a reasonable doubt, and protection against self-incrimination. Because the omission involved constitutional rights, prejudice was presumed, and the State conceded the error. The appellate court vacated Feagin's convictions, reversed the trial court's judgment, and remanded the case for further proceedings, rendering his remaining assignments of error moot.	Montgomery	7/27/2026
State v. Jennings	2025 CA 0091	Appeal from the Richland County Court of Common Pleas, Criminal Division, Case No. 2025-CR-0229N	Affirmed	Jury instruction; Aiding and abetting; Jury trial; Robbery; Theft The Fifth District Court of Appeals affirmed the conviction and 36-month prison sentence of Jackie Jennings for robbery, trespass, and misdemeanor theft arising from a May 2023 home invasion in Richland County. Evidence at trial showed Jennings entered the victim's home, stole her cell phone, physically assaulted the 61-year-old homeowner while attempting to reenter the residence, and participated in a confrontation with others inside the home. On appeal, Jennings argued the trial court erred by giving a complicity (aiding and abetting) jury instruction, denying her motion for a continuance based on a last-minute witness, and that the evidence was insufficient to support her convictions. The appellate court rejected each argument, finding the complicity instruction was supported by the evidence, the trial court acted within its discretion in denying the continuance because the information had been known to Jennings for weeks, and the testimony of the victim and another eyewitness provided sufficient evidence for a rational jury to convict. The court concluded the convictions were supported by both sufficient evidence and the manifest weight of the evidence and affirmed the trial court's judgment.	Montgomery	7/27/2026
State v. Rugg	25-CA-00013	Appeal from the Perry County Court of Common Pleas, Case No. 24-CR-075	Affirmed	Sentencing Jordan Rugg appealed the Perry County Court of Common Pleas' decision revoking his community control and sentencing him to two consecutive 15-month prison terms, to be served consecutively to each other and to a sentence imposed in a separate Muskingum County case. Rugg argued that the trial court lacked authority to order his sentence consecutive to another case, failed to make the findings required by Ohio's consecutive-sentencing statute, and that the record did not support those findings. The Fifth District Court of Appeals rejected each argument, holding that the trial court properly identified the Muskingum County sentence, made all findings required under R.C. 2929.14(C)(4) at the hearing and in its judgment entry, and that the record—including Rugg's repeated criminal conduct, simultaneous community-control supervision in three counties, and prompt violations involving drug and alcohol use—supported the imposition of consecutive sentences. Finding no error, the appellate court affirmed the judgment of the trial court.	Baldwin	7/28/2026
State v. Milner	CT2026-0010	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0593	Affirmed, in part; Reversed, in part; and Remanded	R.C. 2929.13(F)(8) - trial court erred in imposing mandatory term of incarceration on underlying felony offense attached to firearm specification - Hoffman R.C. 2929.11 and 2929.12 - trial court considered principles and purposes of sentencing under R.C. 2929.11, balanced with seriousness and recidivism factors under R.C. 2929.12 Connor Milner appealed his sentence after pleading guilty in the Muskingum County Court of Common Pleas to aggravated robbery with a firearm specification, tampering with evidence, attempted grand theft of a motor vehicle, and having weapons while under disability. He argued that the trial court improperly designated the eight-year prison term for the aggravated robbery conviction as mandatory and that his aggregate nine-year sentence was unsupported by the record. The Fifth District Court of Appeals agreed that, under recent precedent, the underlying aggravated robbery sentence should not have been classified as mandatory simply because it was accompanied by a firearm specification. However, the court rejected Milner's challenge to the length of his sentence, finding the trial court properly considered the purposes and principles of felony sentencing under R.C. 2929.11 and 2929.12, imposed a sentence within the statutory range, and did not act contrary to law. Accordingly, the appellate court affirmed the length of Milner's sentence but reversed and remanded the case for the trial court to reconsider only the mandatory status of the aggravated robbery prison term.		7/28/2026



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State v. Tice	CT2026-0003	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2025-0777	Affirmed but Remanded for Resentencing	The defendant agreed to the imposition of consecutive prison terms, and the trial court properly imposed them. The case is remanded for resentencing, though, because the trial court mistakenly imposed definite prison terms for four F2 offenses to which the Reagan Tokes Act applies. Joseph Tice appealed the consecutive prison sentences imposed after he pleaded guilty to five second-degree felony counts of pandering sexually oriented matter involving a minor, arguing that the trial court erred in ordering the sentences to run consecutively. The appellate court rejected that argument, holding that because Tice and the State jointly recommended a 40-year sentence and stipulated to the findings necessary for consecutive sentences, the trial court was not required to independently justify the consecutive terms, and the sentence was not reviewable on that issue under R.C. 2953.08(D)(1). However, the court found a separate sentencing error, concluding that the trial court improperly imposed definite eight-year prison terms on four of the five second-degree felony convictions. Under Ohio's Reagan Tokes Act, each of those offenses required an indefinite prison term. Accordingly, while affirming the trial court's decision to impose consecutive sentences, the appellate court remanded the case for a new sentencing hearing so the prison terms could be properly imposed as indefinite sentences in compliance with Ohio law.	Gormley	7/28/2026
In re P.M.	26CA00022	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case No. F2024-0134	Affirmed	Permanent Custody Mother appealed the Licking County Juvenile Court's decision terminating her parental rights and granting permanent custody of her son, P.M., to Licking County Job and Family Services, arguing that the trial court improperly denied her request for a continuance and that the permanent custody decision was against the manifest weight of the evidence. The Fifth District Court of Appeals rejected both arguments, finding the trial court acted within its discretion in denying a continuance because Mother failed to provide proof that she had entered inpatient treatment or retained new counsel, the case had already been delayed multiple times, and her appointed attorney adequately represented her. The appellate court also concluded that clear and convincing evidence supported the permanent custody award, noting Mother's ongoing methamphetamine use, failure to complete her case plan, lack of stable housing and employment, failure to maintain contact with or visit P.M. after March 2025, abandonment of the child, and inability to provide a safe and permanent home. Because P.M. was thriving in foster care, wished to remain there, and both the caseworker and guardian ad litem testified that permanent custody was in his best interest, the appellate court affirmed the judgment terminating Mother's parental rights.	Popham	7/28/2026
State v. Mills	25 CAA 12 0117	Appeal from the Delaware County Court of Common Pleas, Case No. 25 CRI 02 0086	Affirmed	Sentencing. The Fifth District Court of Appeals affirmed Kelsie Mills' convictions and aggregate 60-month prison sentence for three counts of theft from a protected person. Mills, a home health aide, stole jewelry from multiple elderly patients over a six-month period and sold the items to a pawn shop, leading to her guilty pleas under a plea agreement. On appeal, she argued that the trial court erred by imposing consecutive sentences and that her sentence was unsupported by the record and inconsistent with sentences imposed in similar cases. The appellate court rejected both arguments, finding the trial court made the required statutory findings for consecutive sentences and that the record supported those findings, particularly because Mills engaged in a continuing course of conduct involving multiple vulnerable victims who suffered significant financial and emotional harm. The court also held that the sentence was within the statutory range, that the trial court properly considered the purposes and principles of felony sentencing, including Mills' potential for rehabilitation, and that Mills failed to demonstrate her sentence was disproportionate to those imposed on similarly situated offenders. Accordingly, the judgment of the Delaware County Court of Common Pleas was affirmed.	Popham	7/29/2026
State v. Zeitler	CT2025-0131	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0058	Affirmed	Sentencing; Consideration of pending charges and dismissed charges; Failure to waive court costs Defendant-Appellant Storm L. Zeitler appealed his conviction and 60-month prison sentence for one count of gross sexual imposition, arguing that the trial court improperly imposed the maximum sentence without adequately considering Ohio's felony sentencing statutes and erred by ordering him to pay court costs despite his indigency. The Fifth District Court of Appeals affirmed the judgment, finding 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. The appellate court held that the trial court was permitted to consider Zeitler's extensive criminal history, as well as pending and dismissed charges referenced in the presentence investigation, when determining an appropriate sentence. The court also concluded that the imposition of court costs was not an abuse of discretion or plain error because Ohio law requires costs to be assessed in criminal cases, and a trial court is not obligated to consider a defendant's ability to pay before imposing them. Accordingly, the conviction, sentence, and order to pay court costs were affirmed.	Montgomery	7/30/2026



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In re M.C.	26CA000019	Appeal from the Guernsey County Common Pleas Court, Juvenile Division, Case No. 24JC00195	Affirmed	Permanent custody; Manifest weight; Best interest Mother, B.C., appealed the Guernsey County Common Pleas Court's decision granting permanent custody of her child, M.C., to Guernsey County Children's Services, arguing the trial court's best-interest determination was against the manifest weight of the evidence. The case arose after one of Mother's children ingested methamphetamine, leading to Mother's convictions for child endangering and tampering with evidence and a 30-month prison sentence. The children were adjudicated dependent and remained in the Agency's temporary custody for more than 12 months of a consecutive 22-month period. After a hearing, the trial court found permanent custody was in the children's best interests, noting they had spent most of their lives in stable foster homes, were strongly bonded with their foster families, and had only seven visits with Mother following her release from prison. Although Mother had begun complying with her case plan while in a halfway house, the court found she had not demonstrated sustained stability or completed the necessary steps for reunification. The Fifth District Court of Appeals held that the trial court's findings were supported by clear and convincing evidence and affirmed the award of permanent custody to the Agency.	Montgomery	7/30/2026
In re L.C.	26CA000018	Appeal from the Guernsey County Common Pleas Court, Juvenile Division, Case No. 24JC00195	Affirmed	Permanent custody; Manifest weight; Best interest Mother, B.C., appealed the Guernsey County Common Pleas Court's decision granting permanent custody of her child, L.C., to Guernsey County Children's Services, arguing the trial court's finding that permanent custody was in L.C.'s best interest was against the manifest weight of the evidence. The case arose after one of Mother's other children ingested methamphetamine, resulting in Mother's convictions for child endangering and tampering with evidence and a 30-month prison sentence. L.C. was adjudicated dependent and remained in the Agency's custody for more than 12 months of a consecutive 22-month period. The trial court found that L.C., who has Down syndrome and significant medical and developmental needs requiring constant supervision and specialized care, was thriving in a stable foster home where she had lived for most of her life and had developed a strong bond with her foster family. Although Mother had begun complying with her case plan after her release to a halfway house and had resumed visitation, the court determined she had not demonstrated sustained stability or completed the requirements necessary for reunification. The Fifth District Court of Appeals held that clear and convincing evidence supported the trial court's best-interest determination and affirmed the award of permanent custody to the Agency.	Montgomery	7/30/2026
In re D.C.	26CA000017	Appeal from the Guernsey County Common Pleas Court, Juvenile Division, Case No. 24JC00195	Affirmed	Permanent custody; Manifest weight; Best interest Mother, B.C., appealed the Guernsey County Common Pleas Court's decision granting permanent custody of her child, D.C., to Guernsey County Children's Services, arguing the trial court's determination that permanent custody was in D.C.'s best interest was against the manifest weight of the evidence. The case arose after one of Mother's other children ingested methamphetamine, leading to Mother's convictions for child endangering and tampering with evidence and a 30-month prison sentence. D.C., a twin, was adjudicated dependent and remained in the Agency's custody for more than 12 months of a consecutive 22-month period, spending nearly his entire life in the same foster home with his twin sibling, where he developed a strong bond with his foster family. Although Mother resumed visitation after her release to a halfway house and made some progress on her case plan, the trial court found her efforts insufficient to demonstrate lasting sobriety and stability, noting her disciplinary infractions, recent job loss, and inability to complete reunification within the statutory timeframe. The Fifth District Court of Appeals concluded that clear and convincing evidence supported the trial court's finding that permanent custody was in D.C.'s best interest and affirmed the award of permanent custody to the Agency.	Montgomery	7/30/2026