



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. Johnson	25CA000047 25CA000048	Appeal from the Guernsey County Court of Common Pleas, Case Nos. 25 CR 076 25 CR 129	Affirmed	Consecutive sentencing Thomas Johnson appealed the 33-month aggregate prison sentence imposed after he pleaded guilty in the Guernsey County Court of Common Pleas to multiple counts of aggravated possession of drugs arising from two separate indictments. The trial court sentenced him to concurrent prison terms of 24 months and 9 months in one case and a consecutive 9-month term in the second case, citing his extensive criminal history, failure to respond to prior sanctions, and the danger posed by methamphetamine. On appeal, Johnson argued the trial court failed to make the findings required by R.C. 2929.14(C)(4) before imposing consecutive sentences, specifically claiming it did not expressly state that consecutive sentences were not disproportionate to the danger he posed to the public. The Fifth District Court of Appeals rejected this argument, holding that although the trial court did not recite the statutory language verbatim, its oral statements, the sentencing entry, and the overall record demonstrated that it engaged in the required analysis and made the necessary findings. Concluding that the consecutive-sentence findings were supported by the record and properly incorporated into the sentencing entries, the appellate court overruled Johnson's sole assignment of error and affirmed the trial court's judgment.	Baldwin	7/6/2026
State v. Morris	2025 CA 00033	Appeal from the Fairfield County Court of Common Pleas, Case No. 2021 CR 00500	Affirmed	Post-Conviction Relief Petition W/O Hearing The appellate court affirmed the trial court's denial of Garrick Morris's petition for post-conviction relief, concluding that Morris failed to present new, substantive, or admissible evidence that would warrant a hearing or alter the outcome of his conviction for sexual offenses against his granddaughter. The court found that the additional witnesses Morris proposed would have only provided cumulative testimony, largely attacking the victim's credibility or supporting Morris's character, without offering direct evidence about the alleged crimes. Similarly, the victim's diary and evidence of her recantations were deemed cumulative, as the jury had already heard extensive testimony about her recantations and the reasons behind them. The court also determined that any delay in disclosing the diary did not prejudice Morris, since its contents would not have introduced new information. Ultimately, the court held that the trial court's decision was supported by credible evidence and did not constitute an abuse of discretion.	Hoffman	7/7/2026
In re T.K.	2026CA00037	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case No. 2024JCV01439	Affirmed	Permanent Custody Appellant R.K. appealed the Stark County Court of Common Pleas, Juvenile Division's decision terminating her parental rights to her son, T.K., and awarding permanent custody to Stark County Job and Family Services, arguing the agency failed to prove permanent custody was in the child's best interest by clear and convincing evidence. The appellate court affirmed the trial court's judgment, finding substantial evidence that R.K. failed to address the issues leading to T.K.'s removal, including untreated mental health concerns, substance abuse, domestic violence, unstable housing, and failure to comply with her case plan. Despite being offered numerous services, R.K. did not complete required parenting or substance abuse programs, continued to test positive for drugs, and failed to demonstrate she could provide a safe and stable home. The court also emphasized T.K.'s developmental needs, his successful placement in a stable kinship home, and testimony from caseworkers and the guardian ad litem that permanent custody was necessary to provide the child with safety, permanency, and the opportunity for adoption. Accordingly, the appellate court held that the trial court's best-interest determination was supported by clear and convincing evidence and affirmed the grant of permanent custody.	Hoffman	7/7/2026
In re X.J.	2026CA00036	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case No. 2024JCV01438	Affirmed	Permanent Custody Appellant R.K. appealed the Stark County Court of Common Pleas, Juvenile Division's decision terminating her parental rights to her son, X.J., and awarding permanent custody to Stark County Job and Family Services, arguing the evidence did not clearly and convincingly establish that permanent custody was in the child's best interest. The Fifth District Court of Appeals affirmed the judgment, finding that despite extensive services and repeated opportunities, R.K. failed to remedy the conditions that led to X.J.'s removal, including untreated mental health issues, substance abuse, domestic violence, unstable housing, and failure to comply with her case plan. The evidence showed she did not complete required parenting or substance abuse assessments, continued to struggle with drug use, and failed to demonstrate she could provide a safe and stable home. The court also emphasized that X.J. had developmental delays, was thriving in a stable foster placement where he was bonded with his caregivers, and needed permanency after years of instability and foster care involvement. Concluding that the child's need for a secure, permanent home outweighed the benefit of maintaining the parental relationship, the appellate court held that the trial court's best-interest determination was supported by clear and convincing evidence and affirmed the award of permanent custody.	Hoffman	7/7/2026



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.O.	2026CA00035	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case No. 2024JCV01437	Affirmed	Permanent Custody Appellant R.K. appealed the Stark County Court of Common Pleas, Juvenile Division's decision terminating her parental rights to her daughter, A.O., and granting permanent custody to Stark County Job and Family Services, arguing the agency failed to prove by clear and convincing evidence that permanent custody was in A.O.'s best interest. The Fifth District Court of Appeals affirmed the judgment, finding that despite extensive services and repeated opportunities, R.K. failed to remedy the issues that led to A.O.'s removal, including substance abuse, untreated mental health concerns, domestic violence, unstable housing, and failure to comply with her case plan. The evidence showed R.K. never completed required parenting and substance abuse assessments, continued to struggle with drug use, and failed to demonstrate she could provide a safe and stable environment. The court also noted that A.O.'s father had abandoned her, A.O. had developmental delays and significant mental health needs, was thriving in a treatment foster home, and required the stability, routine, and permanency that adoption could provide. Concluding that the child's need for a legally secure permanent placement outweighed any benefit of maintaining the parental relationship, the appellate court held that the trial court's best-interest determination was supported by clear and convincing evidence and affirmed the award of permanent custody.	Hoffman	7/7/2026
Prosch v. Jackson	2025 AP 11 0038	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2025 VI 08 0307	Affirmed	R.C. 3113.31 - Domestic Violence Civil Protection Order - Trial Court in Best Position to Determine if Petitioner had shown by a Preponderance of Evidence he or his family members were in danger of Domestic Violence - Trial Court did not abuse its discretion in including siblings as protected persons Appellant Terrance Jackson appealed the Tuscarawas County Court of Common Pleas' issuance of a domestic violence civil protection order (DVCPO) protecting three minor children, A.P., J.P., and W.P., arguing the evidence did not support the order or the inclusion of the two younger siblings. The Fifth District Court of Appeals affirmed the judgment, finding competent, credible evidence that Jackson committed domestic violence against A.P. through physical force, intimidation, and unreasonable corporal punishment. The court relied on A.P.'s detailed testimony describing multiple incidents in which Jackson forcibly grabbed, shoved, dragged, and struck her, leaving bruises, as well as Jackson's own admission that he struck A.P. after she was visibly distressed despite being told by the children's mother to stop. The trial court reasonably concluded Jackson's actions exceeded lawful parental discipline and constituted domestic violence. The appellate court also upheld the inclusion of J.P. and W.P. as protected parties, explaining that Ohio's domestic violence statute is intended to protect all family members who may be threatened by domestic violence within the household. Accordingly, the appellate court overruled Jackson's assignments of error and affirmed the civil protection order.	Hoffman	7/7/2026
In re J.W.	2025 AP 12 044	Appeal from the Tuscarawas County Court of Common Pleas, Juvenile Division, Case No. 24JN00289	Affirmed	Permanent custody Appellant J.D. appealed the Tuscarawas County Juvenile Court's decision terminating her parental rights to her children, J.W. and N.M., and granting permanent custody to the Tuscarawas County Department of Job and Family Services (TCJFS), arguing the agency sought permanent custody too soon, failed to make reasonable reunification efforts, and that the evidence did not support the trial court's best-interest determination. The Fifth District Court of Appeals affirmed the judgment, finding clear and convincing evidence that J.D. failed to remedy the conditions leading to the children's removal despite extensive services and multiple prior interventions. The evidence showed J.D. failed to obtain stable housing or employment, moved repeatedly between shelters, hotels, and different states, did not complete recommended mental health treatment, resisted case plan services, and had a lengthy history of child welfare involvement, with the children having been removed from her custody on multiple occasions. The court also emphasized that N.M. disclosed years of physical and emotional abuse and wished to remain with her foster family, while J.W. had significant behavioral needs requiring stability. The appellate court rejected J.D.'s claims of evaluator bias, deficiencies in the guardian ad litem's investigation, and inadequate reunification efforts, concluding that TCJFS made reasonable efforts under the circumstances and that permanent custody was supported by the children's need for a safe, stable, and legally secure permanent placement.	King	7/7/2026
State v. Porrini	2026CA00040	Appeal from the Stark County Court of Common Pleas, Case No. 2019CR0037	Affirmed	Return of seized property; Replevin action; Motion in expunged case The appellant appealed the Stark County Court of Common Pleas' denial of his motion seeking the return of a laptop that had been seized as evidence after he successfully completed an intervention in lieu of conviction program and the underlying criminal case was dismissed, sealed, and expunged. The Fifth District Court of Appeals affirmed the trial court's decision, holding that because the criminal case had been expunged, it was legally deemed never to have occurred, leaving no criminal case in which a motion for return of property could properly be filed. The court explained that the appropriate remedy for recovering property allegedly retained by the State under these circumstances is a separate civil action for replevin, not a post-conviction motion in an expunged criminal case. Accordingly, although the trial court cited the laptop as contraband, the appellate court affirmed the denial on the alternative ground that the motion was procedurally improper.	Montgomery	7/7/2026



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. Stokes	2025 CA 00085	Appeal from the Stark County Court of Common Pleas, Case No. 2024CR2383	Affirmed	Sufficiency/Weight of Evidence Appellant Quentin Stokes appealed his convictions for domestic violence and disrupting public services following a Stark County jury trial, arguing that the trial court committed plain error by failing to fully instruct jurors regarding unanswered juror questions and that his convictions were against the manifest weight of the evidence. The Fifth District Court of Appeals affirmed the convictions, finding that although the trial court did not instruct jurors not to draw adverse inferences from an unanswered juror question as contemplated by Crim.R. 24(J)(7), Stokes failed to demonstrate any resulting prejudice or a reasonable probability that the outcome of the trial would have been different, particularly since the jury acquitted him of the more serious strangulation charges. The court also held that the convictions were supported by the weight of the evidence, noting that responding officers observed the victim with blood around her mouth and difficulty speaking, medical personnel documented injuries consistent with her initial account of the assault, and evidence showed Stokes concealed the victim's phone, preventing her from calling 9-1-1 and forcing her to seek help through her son's tablet. Although the victim later recanted portions of her allegations and conflicting testimony was presented, the appellate court deferred to the jury's credibility determinations and concluded the evidence supported the domestic violence and disrupting public services convictions.	Popham	7/7/2026
State v. Murphy	2025 CA 0094	Appeal from the Richland County Court of Common Pleas, Case No. 2024 CR 0332R	Affirmed	Trafficking in drugs; Possession of drugs; Consecutive sentencing; Two-part sentencing hearing Michael Shawn Murphy appealed his convictions and aggregate sentence of seven to ten years after pleading no contest to multiple drug trafficking and possession offenses, along with obstructing official business, arguing that the trial court failed to properly impose consecutive sentences and that the record did not support them. The Fifth District Court of Appeals affirmed, holding that although the trial court conducted a second hearing to correct the aggregate sentence and waive mandatory fines before the sentencing entry was journalized, the hearing was merely a continuation of the original sentencing rather than a de novo resentencing. Because the required consecutive-sentence findings had been properly made at the initial hearing and incorporated into the sentencing entry, the statutory requirements were satisfied. The appellate court further found the record supported consecutive sentences, noting Murphy committed the offenses while participating in drug court diversion, possessed significant quantities of drugs and trafficking paraphernalia, and had an extensive criminal history, despite acknowledging his rehabilitative efforts after his earlier incarceration.	Montgomery	7/7/2026
In re A.R.	2026 CA 00009 2026 CA 00010 2026 CA 00011	Appeal from the Licking County Court of Common Pleas, Juvenile Division, Case Nos. C2023-0371 C2023-0372 C2023-0373	Affirmed	Permanent Custody - Trial Court need only find one of R.C. 2151.414(B) factors - R.C. 2151.414(D)(1), R.C. 2151.414.(D)(2) are alternative means for determining whether permanent custody is in the best interest of a child L.M. appealed the termination of her parental rights and the award of permanent custody of her three children to Licking County Job and Family Services, arguing the evidence did not support the trial court's findings that the children could not be returned to her, that permanent custody was in their best interests, and that the court improperly applied the statutory best-interest factors. The Fifth District Court of Appeals affirmed, finding clear and convincing evidence supported the judgment. Although Mother initially made progress on her case plan by obtaining employment, engaging in mental health treatment, and participating in parenting services, she failed to maintain sobriety, repeatedly tested positive for methamphetamine and other illegal substances, did not meaningfully complete substance abuse treatment, and failed to secure stable housing. The children had remained in the agency's custody for more than 12 of 22 consecutive months, were thriving together in a foster home that met their significant developmental and emotional needs, and their foster parents wished to adopt them. The court concluded that the statutory time-in-custody requirement, combined with the children's need for a legally secure permanent placement and the absence of suitable relatives, fully supported the grant of permanent custody, and any error in the trial court's application of an alternative best-interest provision was harmless.	Hoffman	7/7/2026
State v. Young	2025 CA 00045	Appeal from the Fairfield County Court of Common Pleas, Case No. 24 CR 583	Reversed and Remanded	Sentencing Eric M. Young III appealed his sentence after pleading guilty to involuntary manslaughter with a three-year firearm specification, arguing that the trial court improperly designated his ten-year prison term for the involuntary manslaughter conviction as mandatory. The Fifth District Court of Appeals agreed, holding that while the Ohio Supreme Court's decision in State v. Logan requires a prison term for an underlying felony when accompanied by a firearm specification, it does not require that the underlying prison term be designated as mandatory and ineligible for sentence reduction. The court found that Ohio law limits the mandatory, non-reducible status to the firearm specification itself, not the underlying felony sentence, and concluded that the trial court misinterpreted the relevant statutes. As a result, the appellate court sustained Young's assignment of error, reversed the sentence, and remanded the case for resentencing consistent with its opinion.	Baldwin	7/9/2026



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. McRae	2025 CA 0111	Appeal from the Richland County Court of Common Pleas, Case No. 2022-CR-0800N	Affirmed	Motion to withdraw Guilty Plea after Sentencing - No Manifest Injustice - Res Judicata Charles McRae appealed the Richland County Court of Common Pleas' denial of his post-sentence motion to withdraw his guilty plea, arguing that trial counsel mishandled plea negotiations, the trial court applied the wrong legal standard, the court failed to maintain an adequate record, and he received ineffective assistance of appellate counsel. The Fifth District Court of Appeals affirmed the trial court's decision, holding that McRae's claims were barred by the doctrine of res judicata because they either were raised or could have been raised in his prior direct appeals. The court further found that, after McRae's convictions and sentence had already been affirmed on appeal, the trial court lacked jurisdiction under Ohio law to consider his motion to withdraw the guilty plea. As a result, all four assignments of error were overruled, and the denial of his motion was affirmed.	Hoffman	7/9/2026
State v. Smith	25CA00088	Appeal from the Court of Common Pleas of Licking County , Case No. 2025 CR 258	Affirmed	The trial court did not err in denying a criminal defendant's pretrial motion to suppress, the jury's guilty verdicts on charges of aggravated vehicular homicide and operating a vehicle under the influence of drugs were not against the manifest weight of the evidence, and the trial court permissibly imposed a maximum prison term on the aggravated-vehicular-homicide charge. Joseph Smith appealed his convictions and sentence after a jury found him guilty of aggravated vehicular homicide and four counts of operating a vehicle under the influence following a fatal 2024 crash in Pataskala in which he crossed the center line and struck a motorcycle, killing its driver. Smith argued that the trial court should have suppressed evidence obtained after his arrest, that his convictions for aggravated vehicular homicide and one OVI charge were against the manifest weight of the evidence, and that the trial court improperly imposed the maximum five-year prison sentence. The Fifth District Court of Appeals rejected each argument, holding that the arresting officer had probable cause to arrest Smith based on his impaired behavior, failed field sobriety tests, admission to recent marijuana use, and the circumstances of the crash. The court also found ample evidence that Smith was impaired and acted recklessly, including testimony from witnesses, officers, and laboratory results showing controlled substances above legal limits in his system. Finally, the court concluded that the 60-month prison sentence was within the statutory range, complied with Ohio sentencing laws, and did not constitute plain error. Accordingly, the court affirmed Smith's convictions and sentence.	Gormley	7/9/2026
Ravine Run, L.L.C. v. Riverbend Homeowner's Assn., Inc.	25 CAE 11 0103	Appeal from the Delaware County Court of Common Pleas, Case No. 25 CV H O6 0663	Affirmed	Motion to disqualify attorney was properly granted. River Bend Homeowner's Association appealed the Delaware County Court of Common Pleas' decision disqualifying its attorney, Michael Currie, from representing it in a dispute with Ravine Run, LLC over access to private subdivision roads and an ingress/egress easement. Ravine Run argued that Currie had previously represented a related entity owned by Paul Cugini in a substantially similar easement dispute and had obtained confidential information that could be used against Ravine Run. The Fifth District Court of Appeals affirmed the trial court's decision, holding that Currie's prior attorney-client relationship involved substantially related matters, creating a presumption that he had received confidential information under Ohio's Rules of Professional Conduct. The court found no abuse of discretion in disqualifying Currie, concluding that his continued representation posed a significant risk of using confidential information to the detriment of his former client. Although one judge wrote separately to note that he might have reached a different conclusion as the trial judge, he agreed that the deferential standard of review required affirmance.	King	7/9/2026