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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. Owens	2025CA0056	Appeal from the Stark County Court of Common Pleas, Case No. 2024-CR-1436	Affirmed	Sufficiency; Manifest weight; Trial court neutrality; Prosecutorial misconduct; Lay/expert witness designation; Cumulative error Nicholas J. Owens, the appellant appealed his convictions and sentence for two counts of theft from a person in a protected class after a bench trial. The State alleged that Owens used his position as power of attorney for his elderly great-aunt, M.F., to improperly take hundreds of thousands of dollars from her accounts between 2020 and 2024. Evidence showed that M.F., who had declining cognitive abilities and eventually required full-time nursing care, granted Owens power of attorney but did not authorize him to make gifts to himself. After moving M.F. into assisted living, Owens restricted her contact with family members and transferred large sums of her money into accounts he controlled. Investigators traced approximately \$550,000 in transfers from M.F.'s accounts, with over \$300,000 determined to have been used for Owens' personal expenses, including vacations, vehicles, and other purchases unrelated to M.F.'s care. The trial court found Owens guilty, merged the counts, sentenced him to an indefinite prison term of three to four and a half years, and ordered restitution of \$303,425.81. On appeal, Owens argued insufficient evidence, manifest weight of the evidence, judicial bias, prosecutorial misconduct, improper admission of investigator testimony, and cumulative error. The appellate court rejected all arguments, finding that sufficient evidence supported the conviction, the trial court properly weighed the evidence, the judge acted within his authority during the bench trial, no prosecutorial misconduct occurred, and the investigator's financial analysis was properly admitted as lay testimony. The court affirmed Owens' convictions and sentence.	Baldwin	6/15/2026
Forge Fire & Co. v. Lincoln Center Mfg.	2026 CA 0009	Appeal from the Richland County Court of Common Pleas, Case No. 2025 CV 0163	Affirmed	Magistrate's finding deemed conclusive when Appellant failed to file transcript of hearing with objections - Affidavit filed prior to magistrate's hearing insufficient to replace available transcript Plaintiff-appellant Forge Fire & Company, LLC ("FF&Co.") appealed the Richland County Court of Common Pleas' decision adopting a magistrate's ruling that denied FF&Co.'s objections and awarded defendants attorney fees and costs related to a venue transfer. FF&Co. had filed a lawsuit in Richland County alleging breach of a manufacturing agreement, tortious interference, and seeking to pierce the corporate veil against Lincoln Center Manufacturing, Marengo Fabricated Steel, and several individuals. The defendants moved to transfer the case to Morrow County, arguing Richland County was an improper venue, and the trial court granted the motion and awarded attorney fees. After procedural disputes regarding jurisdiction and reconsideration, the case was transferred to Morrow County, and FF&Co. later dismissed the complaint and refiled in Crawford County. The magistrate concluded Richland County was an improper venue and that FF&Co. acted deliberately and heedlessly by filing there, making defendants entitled to attorney fees and costs. FF&Co. objected, arguing the venue decision and fee award were improper, but failed to provide a transcript of the magistrate's hearing as required under Civ.R. 53. The appellate court held that without a transcript, the magistrate's factual findings had to be accepted and the review was limited to whether the trial court abused its discretion. Finding no abuse of discretion and concluding the magistrate's legal conclusions were supported by the facts, the court overruled FF&Co.'s assignment of error and affirmed the trial court's judgment.	Hoffman	6/15/2026
State v. Eskridge	CT2025-00100	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0382	Affirmed	Sentencing Hunter D. Eskridge appealed his sentence from the Muskingum County Court of Common Pleas after pleading guilty to aggravated possession of drugs. Eskridge was sentenced to an indefinite prison term of four to six years after being found in possession of methamphetamine while being transported to a hospital. At sentencing, the trial court considered Eskridge's criminal history, substance abuse issues, prior drug-related offenses, and previous violations of community control. The court noted Eskridge's admission that he had a serious drug problem and considered the large quantity of methamphetamine involved in the offense. On appeal, Eskridge argued that the four-year minimum sentence was unsupported by the record and contrary to law, claiming the trial court improperly considered possible drug trafficking and failed to impose a sentence consistent with similar cases. The appellate court rejected his arguments, finding that the sentence was within the statutory range, the trial court properly considered the purposes and principles of sentencing under R.C. 2929.11 and the seriousness and recidivism factors under R.C. 2929.12, and the record supported the sentence based on Eskridge's history and the circumstances of the offense. The court held that Eskridge failed to show by clear and convincing evidence that the sentence was unlawful or unsupported and affirmed the judgment of the trial court.	Baldwin	6/15/2026



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Wu v. Park	25 CAE 11 0108	Appeal from the Delaware County Court of Common Pleas, Case Nos. 24 CVH 03 0277 24 CVH 12 1259	Affirmed	Opposing claims between two parties after a brief dating relationship; Rulings on motions for judgment on the pleadings; Summary judgment; Judgment notwithstanding the verdict; New trial Plaintiff-appellant Alby Wu appealed several decisions of the Delaware County Court of Common Pleas arising from a long-running civil dispute with defendant-appellee Craig Blair Park. After the parties' dating relationship ended, Wu made allegations of sexual assault, but Park was never criminally charged. Park later obtained a dating violence protection order against Wu after alleging she stalked him, and the parties entered a no-contact agreement adopted by the court. Wu subsequently filed multiple civil lawsuits against Park, alleging claims including assault, defamation, emotional distress, and civil liability for alleged criminal acts, while Park filed counterclaims alleging violations of the protection order, falsification, spoliation, and frivolous conduct. The trial court denied several of Wu's motions, found certain claims barred by res judicata, and a jury ultimately ruled in Park's favor on Wu's claims and on Park's counterclaims, awarding Park damages, punitive damages, and attorney fees. Wu appealed, raising ten assignments of error challenging the trial court's rulings on motions, summary judgment, judgment notwithstanding the verdict, the denial of a new trial, contempt-related statements, and attorney fees. The appellate court rejected all of Wu's arguments, finding the no-contact agreement was enforceable, her refiled claims were barred by res judicata, sufficient evidence supported the jury's verdict, the trial court properly handled evidentiary and procedural issues, and no reversible error occurred. The court affirmed the judgment of the Delaware County Court of Common Pleas.	King	6/15/2026
Eberly v. Eberly	25 CAF 04 0031 25 CAF 04 0032	Appeal from the Delaware County Court of Common Pleas, Case No. 22 DR B 10 0615	Affirmed	Divorce - Spousal Support - Contempt - Separate Property In Eberly v. Eberly, both parties appealed the Delaware County Court of Common Pleas, Domestic Relations Division's judgment granting Wife a divorce, awarding Husband spousal support, and dividing marital property. The parties were married for 33 years, and the trial court ordered Wife to pay Husband \$5,500 per month in spousal support for 13 years while reserving jurisdiction to modify the award. Husband challenged the amount and duration of spousal support, the court's refusal to hold Wife in contempt for canceling insurance on a vehicle, and the classification of Oakwood, LLC as Wife's separate property. Wife argued the spousal support award was excessive and improperly calculated, that income from her inherited property should not have been included, and that a Chase checking account should have been treated as her separate property. The appellate court found the trial court properly considered the statutory factors under R.C. 3105.18, did not abuse its discretion in setting the amount or duration of spousal support, and properly determined the insurance cancellation did not violate the temporary order. The court also upheld the finding that Oakwood, LLC was Wife's separate property because Husband failed to prove his contributions increased its value. Regarding Wife's cross-appeal, the court held the spousal support award was definite in duration, the trial court properly considered Wife's income from inherited property, and Wife failed to trace the funds in the Chase account sufficiently to establish they remained separate property. The appellate court overruled all assignments of error and affirmed the trial court's judgment.	Hoffman	6/15/2026
State v. Whitehouse	CT2026-0001	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0369	Affirmed	Ineffective Assistance of Counsel - Failure to Review Discovery - Failure to Understand Entrapment Defense - Failure to Object to Hearsay Defendant-appellant Corey Whitehouse appealed his convictions from the Muskingum County Court of Common Pleas for multiple drug offenses, including trafficking and possession of cocaine and fentanyl-related compounds, illegal manufacture of drugs, and several counts of child endangering, resulting in an aggregate prison sentence of twenty-four to twenty-nine and one-half years with nineteen years mandatory. The charges arose after a confidential informant arranged a controlled buy of cocaine from Whitehouse, which was recorded showing Whitehouse weighing, packaging, and selling the drugs while his girlfriend and two children were present in the home. A subsequent search of the residence uncovered additional drugs, leading to further charges. At trial, Whitehouse claimed entrapment and argued his trial counsel was ineffective for failing to adequately review discovery, improperly handling the entrapment defense, and failing to object to hearsay statements in text messages obtained from his phone. The appellate court rejected all three arguments, finding Whitehouse failed to show that counsel's performance was deficient or that any alleged errors affected the outcome of the trial. The court noted there was substantial evidence of Whitehouse's involvement in drug trafficking, including the controlled buy video, witness testimony, his own admissions, and text messages. The Fifth District Court of Appeals affirmed the judgment and sentence of the trial court.	Hoffman	6/16/2026



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Hatfield v. Fox	2025 CA 0013	Appeal from the Morrow County Court of Common Pleas, Case No. 2025 CV 0083	Reversed and Remanded	The trial court has subject matter jurisdiction over the money complaint; Dismissal in error Plaintiff-Appellant Susan Hatfield appealed the Morrow County Common Pleas Court's dismissal of her complaint seeking repayment of a \$25,000 loan she claimed she made to Defendant-Appellee Luke Fox before their marriage. Hatfield alleged Fox failed to repay the loan except for one \$1,000 payment. After the parties divorced, Fox argued the matter belonged in the Domestic Relations Division because it involved the division of marital assets and debts, and the trial court dismissed the complaint for lack of subject-matter jurisdiction. The Fifth District Court of Appeals reversed, holding that the Common Pleas Court had jurisdiction over Hatfield's money claim because courts of common pleas have original jurisdiction over civil actions exceeding the jurisdictional limit of county courts, and the \$25,000 claim fell within that authority. The appellate court found the trial court improperly treated the issue as one of claim preclusion or whether the matter should have been resolved during the divorce, rather than addressing the actual question of subject-matter jurisdiction. The court held that jurisdiction was not lost merely because the loan was connected to the parties' divorce or was assigned to a different judge. The dismissal was reversed, and the case was remanded for further proceedings.	King	6/17/2026
State v. Biggs	2025CA00103 2025CA00104	Appeal from the Stark County Court of Common Pleas, Case No. 2008-CR-0653	Affirmed	Crim.R. 33(B); Petition for postconviction relief Appellant Jay L. Biggs appealed the Stark County Court of Common Pleas' denial of his motion for leave to file a delayed motion for a new trial and dismissal of his successive petition for postconviction relief. Biggs was convicted in 2008 of aggravated murder, murder, rape, and child endangering related to the death of his infant daughter and was sentenced to life without parole. Years later, he sought a new trial based on newly obtained expert reports and medical literature that challenged the State's trial evidence regarding alleged sexual abuse and the cause of death. The trial court denied relief, finding Biggs failed to show he was unavoidably prevented from discovering the evidence earlier. The Fifth District Court of Appeals affirmed, holding that the expert reports were not newly discovered evidence but merely new opinions interpreting evidence that existed at trial. The court found Biggs knew the medical issues were disputed during trial and could not use later expert opinions to satisfy the requirements for a delayed new trial motion or successive postconviction petition. The appellate court also held that Biggs failed to meet the statutory requirements under R.C. 2953.23 because he did not show he was prevented from discovering the facts earlier or that constitutional error resulted in no reasonable factfinder finding him guilty. The trial court's denial of relief without a hearing was affirmed.	Baldwin	6/17/2026
Goodykoontz v. Hunter-Stuff	2025 CA 0016	Appeal from the Richland County Court of Common Pleas, Case No. 2025-CV-0774R	Affirmed	PIP/Denial of writ of habeas corpus without hearing Appellant David Goodykoontz appealed the Richland County Court of Common Pleas' dismissal of his petition for a writ of habeas corpus. Goodykoontz was convicted in 2022 of multiple counts involving child exploitative materials and possession of criminal tools and was sentenced to thirty-seven years in prison. He argued that he was a federal agent conducting undercover operations and therefore should not have been prosecuted. The trial court dismissed his habeas petition, finding his claims were barred by res judicata and that he failed to state a valid claim for habeas relief. The Fifth District Court of Appeals affirmed, holding that Goodykoontz's arguments had already been raised or could have been raised through his trial, direct appeal, or postconviction proceedings, making habeas corpus unavailable. The court also found his petition was procedurally defective because he failed to attach required commitment papers and did not comply with statutory requirements for habeas filings. Additionally, the court concluded that habeas relief was improper because he had an adequate remedy at law and his sentence had not expired. The dismissal of the petition was affirmed.	Baldwin	6/17/2026
State v. Hammonds	25CA0049 25CA0050 25CA0051	Appeal from the Court of Common Pleas of Guernsey County , Case Nos. 24CR0123 25CR0110 25CR0137	Affirmed	When a criminal defendant challenging his or her sentence in an appeal did not object to the sentence in the trial court after being given an opportunity to do so, the sentence is reviewed solely for plain error. And a felony sentence is not contrary to law if it was within the statutory range for the crime and if the trial court considered the overriding purposes of sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12. Defendant-Appellant Randell Hammonds appealed the sentences imposed by the Guernsey County Court of Common Pleas after he pled guilty to multiple felony offenses committed while he was on post-release control. Hammonds argued that the trial court failed to properly apply Ohio's felony sentencing statutes and that his sentences were too harsh because the court did not adequately consider the seriousness of his conduct and the likelihood of recidivism. The Fifth District Court of Appeals affirmed the sentence, finding Hammonds failed to object at the sentencing hearing, limiting review to plain error. The court held that the trial judge properly considered the required sentencing factors under R.C. 2929.11 and R.C. 2929.12, including Hammonds' criminal history, failure to respond to prior sanctions, high risk of reoffending, conduct during a high-speed chase, and remorse. The appellate court noted that the individual prison terms were within the statutory ranges and that consecutive sentences were authorized by law, including the additional sentence required for committing new felonies while on post-release control. Because the trial court complied with sentencing requirements and no plain error occurred, the judgment was affirmed.	Gormley	6/17/2026