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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
Eaker v. Cunningham	2025CA0014	Appeal from the Morrow County Municipal Court, Case No. 2025CVG454	Affirmed	Forcible entry and detainer; Best evidence rule; Motion in limine; Right to possession of property; Adverse possession Defendant-Appellant Enoch Cunningham appealed the Morrow County Municipal Court's judgment ordering his eviction from property owned by Plaintiffs-Appellees Robinette and Keith Eaker. The Eakers purchased the property where Cunningham had lived for many years and served him with eviction notices before filing a forcible entry and detainer action. Cunningham argued that his parents had orally promised the property to their children, giving him the right to remain, and challenged the admission of the Eakers' deed and the exclusion of evidence regarding title. The appellate court held that the trial court properly admitted a copy of the deed because Cunningham failed to show the missing page affected the validity of the document or raised an authenticity issue under the best evidence rule. The court also found the trial court properly limited evidence concerning ownership because a municipal court can determine only the right to possession in an eviction case, not title disputes or quiet title claims. Since Cunningham was still allowed to testify about his claimed right to possession, the appellate court overruled all assignments of error and affirmed the eviction judgment.	Montgomery	6/29/2026
State v. Beltowski	25 CAA 12 0119	Appeal from the Delaware County Court of Common Pleas, Case No. 25 CR I 05 0280	Affirmed	Venue Defendant-Appellant Stephen C. Beltowski appealed his Delaware County Court of Common Pleas conviction and sixty-month aggregate prison sentence after pleading guilty to five counts of breaking and entering. The offenses involved multiple forced entries into Joe's Pub locations and a Dairy Queen in Delaware and Franklin Counties, where Beltowski stole cash from registers and safes. As part of a plea agreement, Beltowski pled guilty to five fifth-degree felony counts, with the remaining charges dismissed, and received the jointly recommended sentence. On appeal, Beltowski argued that three convictions should be dismissed because the related offenses occurred outside Delaware County, claiming the trial court violated venue requirements under Ohio law. The appellate court rejected this argument, holding that Beltowski's guilty plea waived any challenge to venue and that, under R.C. 2901.12(H), offenses committed in multiple jurisdictions may be tried in any county where one offense or element occurred if they are part of the same course of criminal conduct. Because the crimes involved similar victims, methods, and purposes, the court found the offenses were part of a continuing criminal course and affirmed the trial court's judgment.	Popham	6/29/2026