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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. Olive	2025 CA 00038	Appeal from the Court of Common Pleas of Fairfield County , Case No. 25 CR 083	Affirmed	Vehicle driver who, during a roadside traffic stop, claimed that a locked safe found inside his vehicle did not belong to him, had no standing to later challenge the admissibility of incriminating evidence found during a subsequent warrantless search of that safe. Defendant-Appellant Frederick Olive appealed the denial of his motion to suppress evidence discovered in a locked safe found during a traffic stop and subsequent inventory search of his vehicle. After Ohio State Highway Patrol troopers arrested Olive for operating a vehicle under the influence and prepared to tow his vehicle, they located a locked safe in the center console. When asked for the combination, Olive repeatedly told officers that the safe was not his and that he did not know who owned it. Troopers then opened the safe and found drugs and drug-related items, leading to an aggravated possession charge. On appeal, Olive argued that officers should have obtained a warrant before searching the safe. The Fifth District Court of Appeals rejected his argument, holding that because Olive repeatedly disclaimed ownership of the safe, he abandoned any reasonable expectation of privacy in it and therefore lacked standing to challenge the search under the Fourth Amendment. The court affirmed the trial court's denial of the suppression motion and upheld Olive's convictions.	Gormley	6/8/2026
State v. Anderson	CT2025-0126	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0472	Reversed and Remanded	Sentencing; Previous Juvenile Adjudication Braydon M. Anderson appealed his eleven-month prison sentence after pleading guilty to two counts of endangering children, one count of OVI, and one count of possessing criminal tools. In exchange for his plea, several other charges were dismissed, and both parties jointly recommended community control. The trial court rejected that recommendation and imposed prison time, citing Anderson's juvenile adjudications for complicity to commit aggravated robbery and felonious assault when he was fifteen years old. On appeal, the Fifth District Court of Appeals held that Anderson met the statutory requirements for a presumption of community control under R.C. 2929.13(B)(1)(a) and that his juvenile adjudications could not be used to trigger an exception allowing a prison sentence under R.C. 2929.13(B)(1)(b). The court found no other applicable statutory exception in the record that would make Anderson eligible for prison, and the State conceded that the trial court improperly relied on his juvenile history. Concluding that the sentence was contrary to law, the appellate court sustained Anderson's assignment of error, reversed the sentence, and remanded the case for resentencing.	Popham	6/8/2026
Smith v. Conti	25CA011	Appeal from the Court of Common Pleas of Holmes County , Case No. 24CV090	Affirmed	Summary judgment was properly granted in favor of the defendants because the plaintiff's suit for personal injuries he suffered when one of the defendants shot him was governed by R.C. 2305.111(B)'s one-year limitations period for battery claims, and the suit was filed outside that one-year period. Also, no genuine disputes concerning material facts existed to support the plaintiff's view that the other defendants - two of whom owned the real property where the shooting occurred - breached a duty of care owed to him or did or said anything that caused his injuries. Appellant Darrell Smith appealed the trial court's decisions vacating a default judgment in his favor, denying his motions to amend his complaint and modify the case schedule, and granting summary judgment to the defendants in his lawsuit arising from a 2022 shooting. Smith alleged that he was shot by Desiree Culbertson while inside a camper on property owned by her grandparents, David and Elizabeth Conti, and sought more than \$2 million in damages against Culbertson, her mother Julie Saffell, and the Contis. The Fifth District Court of Appeals held that the trial court acted within its discretion when it vacated the default judgment because it was an interlocutory, non-final order and the defendants' failure to timely respond was attributable to their former attorney's neglect. The court also found no abuse of discretion in denying Smith's late request to amend his complaint and reopen the case schedule. On the merits, the appellate court agreed that Smith's claims were barred by the one-year statute of limitations governing assault and battery actions because the essence of the case was an intentional shooting, regardless of how the claims were labeled. The court further found no viable negligence or premises-liability claims against the property owners or Saffell, as there was no duty owed, no special relationship creating liability, and no evidence that any of them caused or could have foreseen Smith's injuries. Accordingly, the court affirmed the trial court's grant of summary judgment in favor of all defendants.	Gormley	6/8/2026
State v. Kelly	26 CAA 01 0006	Appeal from the Delaware County Court of Common Pleas, Case No. 16 CRI 07 0351	Affirmed	Post-conviction relief Appellant challenged the trial court's denial of his 2025 Motion to Dismiss Indictment for Lack of Subject-Matter Jurisdiction, arguing that the court improperly treated the motion as a petition for post-conviction relief. The appellant had been convicted in 2017 of murder, intimidation of a witness, and having a weapon under disability, with firearm and gang specifications, and his convictions had already been affirmed on direct appeal in 2018. In his later motion, he claimed the indictment failed to state the essential elements of the offenses and that his constitutional rights had been violated. The trial court construed the filing as a petition for post-conviction relief under R.C. 2953.21 because it sought to vacate his conviction based on alleged constitutional violations, and it denied the petition as untimely and barred by res judicata. The Fifth District Court of Appeals agreed, noting that Ohio law treats post-appeal motions seeking relief on constitutional grounds as post-conviction petitions and that the filing, made more than eight years after the trial transcript was filed in the direct appeal, far exceeded the statutory deadline. Finding no abuse of discretion, the appellate court overruled the appellant's sole assignment of error and affirmed the judgment of the Delaware County Court of Common Pleas.	Montgomery	6/8/2026



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State ex rel. Yost v. Google, L.L.C.	25 CAE 08 0070	Appeal from the Delaware County Court of Common Pleas, Case No. 21 CV H 06 0274	Affirmed	Summary judgment; The common carrier doctrine does not apply to Google, L.L.C. In a lawsuit brought by Ohio Attorney General Dave Yost against Google, the State sought a declaration that Google's search engine operates as a common carrier under Ohio common law and should therefore be subject to public utility-like obligations. The Delaware County Court of Common Pleas granted summary judgment in Google's favor, and the Fifth District Court of Appeals affirmed. The appellate court held that Google does not satisfy either of the two essential elements of a common carrier: it does not transport the property of others, and it does not hold itself out as serving the public indiscriminately. Rather than merely transmitting information, Google creates a unique search-results page by crawling, indexing, ranking, filtering, and organizing information through its own proprietary algorithms and editorial judgment. The court found that internet service providers, not Google, perform the actual transmission of data. It further concluded that Google's search results are curated and differentiated based on relevance and other factors, meaning the company does not provide information "indifferently" in the manner required of a common carrier. The court rejected the State's argument that Google's market dominance and importance to the public justified common-carrier treatment, emphasizing that any broader regulation of search engines should come from the legislature rather than the judiciary. The court also noted that imposing common-carrier obligations on Google would raise significant federal preemption and First Amendment concerns because search results constitute an expressive product protected by free-speech principles. Accordingly, the court affirmed summary judgment in Google's favor and held that Google Search is not a common carrier under Ohio law.	King	6/8/2026
State v. Williams	CT2025-0129	Appeal from the Muskingum County Court of Common Pleas, Case No. CR 2025-0711	Affirmed	Firearm specification does not convert the underlying felony sentence into mandatory prison time Mason D. Williams appealed his conviction and sentence in the Muskingum County Court of Common Pleas after pleading guilty to aggravated robbery with a three-year firearm specification and agreeing to a jointly recommended prison term of thirteen years. Williams argued that his plea was not knowing and voluntary because the trial court incorrectly advised him that the firearm specification made the entire aggravated robbery sentence mandatory, and he further contended that the court improperly imposed mandatory prison time on the underlying offense. The Fifth District Court of Appeals rejected these arguments, explaining that Ohio law treats firearm specifications and the underlying felony as separate sentencing components. While the three-year firearm specification carries a mandatory consecutive prison term, the aggravated robbery sentence itself does not automatically become mandatory, nonreducible prison time. The court noted that the sentencing entry designated only the firearm-specification sentence as mandatory and concluded that the aggravated robbery sentence remained subject to ordinary statutory provisions regarding sentence reduction and release. Because the court determined that only the firearm-specification term was mandatory, it overruled Williams's sentencing challenge and found his plea-related argument moot, ultimately affirming the trial court's judgment.	Popham	6/9/2026
In re L.H.	2026 CA00005	Appeal from the Stark County Court of Common Pleas, Juvenile Division, Case No. 2024JCV00575	Affirmed	Permanent Custody C.H. ("Father") appealed the Stark County Juvenile Court's decision terminating his parental rights and granting permanent custody of his son, L.H., to Stark County Jobs and Family Services. The court found that despite extensive services and treatment opportunities, Father failed to remedy the conditions that led to the child's removal, including chronic methamphetamine addiction, untreated mental health disorders, unstable housing, and incomplete compliance with his case plan. Evidence showed Father relapsed as recently as September 2025, had not completed mental-health counseling or parenting programs, and remained in structured sober-living treatment at the time of the permanent custody hearing. Expert testimony established that Father's substance abuse and mental health issues significantly impaired his ability to safely parent and that reunification would require sustained sobriety and stability that had not been achieved. Meanwhile, L.H. had spent approximately fifteen months in a stable foster home where he was thriving, bonded with the foster parents, and had the prospect of adoption. Although Father maintained a bond with the child and requested additional time to complete his recovery, the court concluded there was no reasonable likelihood that reunification could occur within the statutory timeframe and that permanent custody was in L.H.'s best interest. The Fifth District Court of Appeals held that the juvenile court's findings were supported by clear and convincing evidence, overruled all three assignments of error, and affirmed the award of permanent custody to the Department.	Popham	6/9/2026



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In re C.F.	2025CA00119 2025CA00120 2025CA00121 2025CA00122	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case Nos. 2024 JCV00853 2024 JCV00854 2024 JCV00855 2024 JCV00897	Affirmed	Permanent custody Mother appealed the Stark County Family Court's decision granting permanent custody of her four children, C.F., E.F., D.F., and K.G., to Stark County Job and Family Services. The children were removed after incidents of domestic violence involving Mother and concerns about her continued relationship with K.G.'s father, a registered sex offender convicted of unlawful sexual conduct with a minor. Although Mother participated in mental health counseling, anger management, and parenting services, evidence showed she failed to meaningfully benefit from those programs, remained dishonest with service providers, refused to accept responsibility for the circumstances leading to removal, and continued contact with K.G.'s father despite repeated warnings. Evaluators and service providers testified that Mother lacked insight into unhealthy relationships, prioritized romantic partners over her children, had unresolved anger-management issues, and had not demonstrated the behavioral changes necessary to ensure the children's safety. The children were thriving in stable foster and kinship placements, and several expressed fear of returning home if K.G.'s father remained involved. The guardian ad litem and caseworker both recommended permanent custody, concluding that adoption and permanency would better serve the children's needs. The Fifth District Court of Appeals held that clear and convincing evidence supported the trial court's findings that the children could not be safely returned to Mother within a reasonable time and that permanent custody was in their best interests. Accordingly, the court overruled Mother's assignments of error and affirmed the termination of her parental rights.	Baldwin	6/9/2026
State v. Steele	26CA000001	Appeal from the Knox County Court of Common Pleas, Case No. 25CR06-0098	Affirmed	Trial Court Substantially Complied with Crim.R. 11(E) - Appellant did not Establish Prejudice Paul A. Steele appealed his Knox County conviction and 150-day jail sentence for first-degree misdemeanor domestic violence, arguing that his guilty plea was not entered knowingly, intelligently, and voluntarily because the trial court failed to properly explain that a guilty plea constituted a complete admission of guilt and failed to advise him that sentencing could occur immediately after the plea was accepted. The Fifth District Court of Appeals rejected these claims, finding that the trial court complied with the requirements of Criminal Rule 11. During the plea hearing, the court expressly asked Steele whether he admitted the facts alleged by the State and whether he admitted his guilt to the domestic violence charge, to which he answered affirmatively. The court also reviewed the written plea agreement with Steele, who confirmed that he understood and voluntarily signed it. Additionally, after accepting the plea, the trial court informed Steele of his right to a presentence investigation and explained that he could either have sentencing scheduled for a later date or waive that right and proceed immediately. Steele chose to waive the presentence investigation and proceed to sentencing. The appellate court concluded that Steele understood the consequences of his plea, failed to demonstrate any prejudice from the alleged errors, and therefore affirmed the judgment and sentence imposed by the Knox County Court of Common Pleas.	Hoffman	6/9/2026
State v. Samson	CT2025-00134	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0004	Affirmed	Sentencing Joshua Samson appealed the sentence imposed after pleading guilty to one count of aggravated vehicular homicide and one count of operating a vehicle while intoxicated (OVI), arguing that the trial court improperly imposed the maximum sentence without adequately considering Ohio's sentencing principles under R.C. 2929.11 and sentencing factors under R.C. 2929.12. The case arose from a June 21, 2024 crash in which Samson, while intoxicated and driving on a suspended license, crossed the center line and caused a head-on collision that killed the victim. Under a plea agreement, Samson pleaded guilty to second-degree felony aggravated vehicular homicide and misdemeanor OVI, and a more serious aggravated vehicular homicide charge was dismissed. At sentencing, the court considered victim impact statements, letters from the victim's family, and a presentence investigation report showing Samson's extensive criminal history, including four prior OVIs, repeated license suspensions, warrants, and other offenses demonstrating disregard for the law. The trial court imposed an indefinite prison term of eight to twelve years for aggravated vehicular homicide and 180 days for OVI to run concurrently. On appeal, the court held that the sentence complied with Ohio's statutory sentencing framework and explained that trial courts are presumed to consider R.C. 2929.11 and 2929.12 even if they do not expressly discuss those factors on the record. Because Samson failed to show the trial court ignored the required considerations and the sentence fell within the lawful range, the appellate court affirmed the judgment.	Baldwin	6/10/2026
State v. Friend	CT2025-0095	Appeal from the Muskingum County Court of Common Pleas Case No. CR2025-0168	Affirmed	Joinder and bounds of closing argument The Fifth District Court of Appeals in Muskingum County, Ohio, affirms the conviction and 44-year sentence of Cody A. Friend for multiple counts of sexual assault against his younger siblings. The case arose after the siblings disclosed abuse that occurred when they were all minors. Friend was indicted on thirteen counts, including rape and gross sexual imposition, and was convicted on twelve counts following a jury trial. On appeal, Friend argued that the trial court erred by not severing the charges for separate trials and by limiting his closing argument. The appellate court found no abuse of discretion in the trial court's decisions, noting that the evidence was simple and direct, allowing the jury to consider each charge separately, and that the court properly limited arguments to those supported by evidence. As a result, the appellate court upheld the original conviction and sentence.	King	6/10/2026



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State v. Minnich	CT2026-0007	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0632	Affirmed	Grand Theft of a Motor Vehicle - Attempted Tampering with Evidence - Consecutive Sentencing Case Minnich appealed his convictions and 36-month aggregate prison sentence after pleading guilty to grand theft of a motor vehicle and attempted tampering with evidence. Minnich stole and hid a vehicle on September 5, 2025, and, pursuant to a plea agreement, the State dismissed a receiving stolen property charge and reduced the tampering charge to attempted tampering. The trial court imposed consecutive 18-month sentences, which Minnich challenged as unsupported by the record. The Fifth District Court of Appeals affirmed, finding that the trial court properly made the statutory findings required for consecutive sentences under R.C. 2929.14(C)(4), including that consecutive terms were necessary to protect the public and punish Minnich and that his extensive criminal history justified the sentence. The appellate court noted Minnich's lengthy record of theft-related and other offenses, his recent release from prison before committing the new crimes, a bond violation in the current case, and a pending theft charge. Concluding that the record supported the trial court's findings and that the sentence was not contrary to law, the court overruled Minnich's assignment of error and affirmed the judgment.	Hoffman	6/11/2026