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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
Ricksecker v. Ricksecker	2025-COA-024	Appeal from the Ashland County Court of Common Pleas, Domestic Relations Division, Case No. 14-DIV-071	Affirmed	Contempt, Motion to modify visitation John Ricksecker ("Father") challenged the August 13, 2025 judgment overruling his objections to a magistrate's decision that found Bethany Ricksecker nka Thompson ("Mother") in contempt for denying his August 2024 parenting time, imposed purge conditions including make-up visitation and attorney fees, and denied Father's motion to expand parenting time and relocate visitation to his off-grid home in Colorado. Father argued the magistrate failed to issue proper findings of fact and conclusions of law, that the contempt sanction was insufficient, and that the denial of his modification request was an abuse of discretion. The appellate court rejected these claims, holding that findings were not required for the contempt ruling and that the magistrate's decision substantially complied with Civil Rule 52 as to visitation. The court further concluded the contempt sanction appropriately compensated Father and coerced compliance, and that competent, credible evidence—including testimony from the guardian ad litem and the children's therapist regarding the children's medical needs, anxiety, and need for structure—supported the determination that maintaining the existing Ohio-based parenting schedule was in the children's best interests. Accordingly, the judgment was affirmed.	Popham	3/2/2026
State v. Johnson	25-COA-009	Appeal from the Court of Common Pleas of Ashland County , Case No. 23-CRI-312	Affirmed	The trial court properly accepted the defendant's guilty plea to a felony charge and properly imposed a sentence in the case. Cody Johnson pled guilty in Ashland County to one count of fifth-degree felony aggravated possession of drugs after a traffic stop led to the discovery of drugs and paraphernalia in his vehicle and on his person. Pursuant to a joint plea agreement, the trial court sentenced him to ten months in prison and, under R.C. 2929.141(A)(1), terminated his post-release control in a prior Richland County case and imposed the remaining 521 days of supervision as a consecutive prison term (with jail-time credit). Johnson appealed, and appointed counsel filed an Anders brief asserting no meritorious issues existed. After independently reviewing the record, the appellate court concluded the plea hearing complied with Criminal Rule 11, that Johnson knowingly, intelligently, and voluntarily entered his plea, and that the jointly recommended sentence was authorized by law and within the statutory range. Finding the appeal wholly frivolous, the court granted counsel's motion to withdraw and affirmed the judgment of the Court of Common Pleas of Ashland County.	Gormley	3/2/2026
Robinson v. Robinson	2025 AP 070026	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2023 TC 06 0224	Affirmed/ Reversed in Part & Remanded	Marital residence equity payment; Child support under shared parenting plan; Retirement accounts Defendant-Appellant-Cross-Appellee Sarah L. Robinson and Plaintiff-Appellee-Cross-Appellant Jason M. Robinson appealed the June 4, 2025 judgment of the Tuscarawas County Court of Common Pleas adopting a magistrate's decision in their divorce. Married in 2006 with one minor child, the parties disputed child support, division of the marital residence (held under a land installment contract), and division of wife's State Teachers Retirement System pension. The magistrate awarded husband the residence and ordered him to pay wife \$61,998.59 for her equity, offset by \$12,841.45 representing husband's share of wife's higher-valued pension, resulting in a net \$49,157.14 owed to wife, payable at \$500 per month over approximately eight years, with a child-support offset requiring husband to pay \$148.08 per month while the support order remained in effect. Wife was designated the child-support obligor under the shared parenting plan, with her guideline obligation of \$703.83 per month reduced by 50 percent to \$351.92 due to parenting time. The trial court adopted the decision with a modification granting husband a retroactive child-support credit, reducing the equity balance owed. On appeal, the court found no abuse of discretion in ordering wife to pay child support or in structuring the installment payment of her equity without interest, particularly given the absence of transcripts and husband's limited ability to refinance or sell the property. However, the court sustained husband's cross-appeal, concluding the trial court failed to address his objection concerning the impact of the newly enacted Social Security Fairness Act on the pension/Social Security setoff, and remanded for consideration of that issue; the judgment was affirmed in part, reversed in part, and remanded.	King	3/3/2026

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State v. Fogle	25CA00042	Appeal from the Court of Common Pleas of Licking County , Case No.2024CR000619	Affirmed	A defendant who pointed and fired an unloaded handgun could properly be convicted on charges including felonious assault and improper handling of a firearm, and her trial counsel's failure to file a motion to suppress the results of a urine test did not equate to ineffective assistance. Appellant Tracy Fogle appealed her convictions in the Licking County Court of Common Pleas for felonious assault with a firearm specification, improperly handling a firearm in a motor vehicle, and aggravated menacing stemming from an August 23, 2024 incident in which she pointed a handgun at K.G. and R.S., repeatedly pulled the trigger, and was later found intoxicated. The evidence showed Fogle had brought a firearm to K.G.'s residence, threatened that she might shoot her, pointed the gun at both victims and pulled the trigger multiple times (producing clicking sounds), and admitted to police that she had done so; the gun was operable though unloaded. Officers observed signs of intoxication, and urine tests revealed alcohol and marijuana metabolite levels above legal limits. On appeal, Fogle argued insufficient evidence of felonious assault, that all convictions were against the manifest weight of the evidence, that the trial court improperly limited cross-examination regarding refrigeration of her urine sample, and that counsel was ineffective for failing to file a motion to suppress the chemical test results. The appellate court rejected each claim, holding the evidence was sufficient and supported by the weight of the evidence, the trial court properly required regulatory challenges to be raised in a suppression motion, and Fogle failed to show deficient performance or prejudice from counsel's actions. The convictions were affirmed.	Gormley	3/3/2026
Law Offices of Robert E. Soles, Jr., Co., LPA v. Swinderman	2025CA00075	Appeal from the Canton Municipal Court of Stark County , Case No. 2025-CVF-1383	Affirmed	Civ.R. 60(B) - Movant failed to present meritorious defense and failed to establish entitled to relief due to excusable neglect Defendant-appellant Bradley Swinderman appealed the June 10, 2025 judgment of the Canton Municipal Court denying his motion to vacate a default judgment entered in favor of the Law Office of Robert Soles for \$12,987 in unpaid legal fees under a July 2022 agreement for legal services. After Swinderman failed to timely file an answer to the complaint, the trial court granted default judgment. Swinderman later sought relief from judgment, claiming he misunderstood the deadline and attempted to fax an answer that the clerk never received, and also asserted he had never received an invoice for the charges. The appellate court noted that Swinderman's brief failed to comply with App.R. 16 but nevertheless reviewed the appeal. Applying the standard for relief from judgment under Civ.R. 60(B), the court found Swinderman failed to demonstrate a meritorious defense or provide supporting evidence, and also failed to establish excusable neglect for his failure to respond to the complaint. Accordingly, the court held the trial court did not abuse its discretion in denying the motion to vacate and affirmed the judgment.	Hoffman	3/4/2026
Wood v. Energex Power, Inc.	CT2025-0111	Appeal from the Court of Common Pleas of Muskingum County , Case No. CH2024-0076	Appeal Dismissed	An appeal from a trial-court order denying a motion for reconsideration is not a final and appealable order. Plaintiff Donald Wood appealed the trial court's October 2025 order denying his motion for reconsideration of a June 2025 ruling in his lawsuit against Energex Power, Inc., which alleged unpaid royalties under an oil-and-gas lease. After Energex failed to answer the complaint, the trial court granted Wood a default judgment but did not specify the amount of damages. Wood later attempted to garnish funds from Ergon Oil based on that judgment and sought to hold Ergon in contempt for failing to comply with the garnishment order. The trial court denied the contempt motion and vacated the garnishment order, concluding the default judgment was not final because it did not determine damages. Wood moved for reconsideration, which the trial court denied, and he appealed that denial. The appellate court dismissed the appeal, holding that the October 2025 order denying reconsideration was not a final, appealable order, as motions for reconsideration of final judgments are a nullity and reconsideration of interlocutory orders is itself interlocutory, leaving the appellate court without jurisdiction to review the matter.	Gormley	3/4/2026
State v. Thomas	CT2025-0075	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0243	Affirmed	Withdrawal of guilty plea Appellant William Thomas appealed the denial of his presentence motion to withdraw his guilty plea in the Muskingum County Court of Common Pleas after he pled guilty to felonious assault with a repeat violent offender specification, theft from a protected class, and theft stemming from a March 2025 incident in which he assaulted and robbed a man over the age of 65 following a minor vehicle collision. At the plea hearing, the trial court conducted a thorough Crim.R. 11 colloquy and Thomas acknowledged that he understood the charges, potential penalties, and rights he was waiving. At the sentencing hearing, Thomas orally moved to withdraw his plea, claiming his attorney pressured him and that he expected a two-year sentence, but ultimately stated he wanted to withdraw the plea because he preferred a jury trial. The trial court denied the motion and imposed an aggregate prison sentence of six to nine years. On appeal, the court held the trial court did not abuse its discretion because Thomas was given an opportunity to explain his request, the plea was knowingly and voluntarily entered, and he failed to present a legitimate basis for withdrawal; therefore, the denial of his motion to withdraw the plea was affirmed.	Baldwin	3/4/2026

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State v. Beatty	2025 AP 03 0010	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2024 CR 09 0276	Affirmed	Felonious assault; Ineffective assistance of counsel; Rules of evidence; Cumulative error analysis; Prosecutorial misconduct; Speedy trial; Separation of witnesses; Prejudicial evidence; Authentication of evidence This case arises from a violent home invasion and assault on Preston Morrison involving Christopher Beatty (Appellant) and several co-defendants. Beatty was indicted in the Tuscarawas County Court of Common Pleas for aggravated burglary and felonious assault. Evidence at trial showed that after heavy drinking at a Buffalo Wild Wings restaurant, the group learned that Morrison had previously been in an abusive relationship with their waitress. The men drove to Morrison’s home, forced their way inside, and violently attacked him, causing severe injuries including lacerations and a partially severed ear that required surgery. Multiple witnesses, surveillance footage, and testimony from co-defendants identified Beatty as the individual who led the attack and struck Morrison with a toilet tank lid. A jury found Beatty guilty, and the trial court merged the offenses and sentenced him to an indefinite prison term of ten to fifteen years. On appeal, Beatty raised numerous claims of trial error, including the presence of victims during testimony, ineffective assistance of counsel, improper admission of evidence, issues with witness identification, prosecutorial misconduct, and cumulative error. The appellate court rejected these arguments, finding no abuse of discretion, no ineffective assistance under the Strickland standard, and no plain or prejudicial error in the admission of evidence or conduct of the trial.	Montgomery	3/5/2026
Sager v. Sager	CT2025-0060	Appeal from the Muskingum County Court of Common Pleas, Domestic Relations Division, Case No. DA2023-0373	Affirmed	Child support calculation; Spousal support calculation Appellant Trevor A. Sager appealed a divorce decree issued by the Muskingum County Court of Common Pleas, Domestic Relations Division, which ordered him to pay staged child support and spousal support to appellee Mellissa N. Sager. The parties were married in 2003 and have one minor child, and the divorce action was filed in 2023. Following a final hearing, the trial court ordered the marital residence to be sold and required the appellant to pay the home’s monthly expenses until the sale, child support of \$927.11 per month until the sale and \$669.84 thereafter, and spousal support beginning after the sale at \$2,000 per month, increasing to \$3,000 per month once child support ends. On appeal, the appellant argued that the support orders were excessive, inadequately explained, and improperly of indefinite duration. The appellate court rejected these claims, finding the trial court considered the statutory factors, properly weighed the appellee’s lack of income and medical issues, and acted within its discretion in structuring staged support and awarding indefinite spousal support following a marriage of more than twenty years. The court therefore affirmed the trial court’s judgment.	Baldwin	3/5/2026