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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. Reedy	25CA000022	Appeal from the Guernsey County Court of Common Pleas, Case No. 25 CR 42	Reversed	Forfeiture of cellphone proper Defendant-Appellant Rebekka Reedy appealed her sentence from the Guernsey County Court of Common Pleas, challenging the trial court's order forfeiting and destroying her cellphone following her guilty plea to several drug and weapons charges arising from a traffic stop. The appellate court reversed, holding that the forfeiture was improper because the State failed to include a forfeiture specification in the indictment as required by statute, despite knowing about the cellphone at the time. The court found that a plea agreement could not override these statutory requirements or expand the State's authority to seek forfeiture, and that the cellphone was not contraband per se nor properly determined to be an instrumentality of the offense. Because the statutory procedures governing criminal forfeiture were not followed, the trial court lacked authority to order the cellphone's destruction, and the case was remanded with instructions to return the property.	King	3/30/2026
Catlin v. Catlin	CT2025-0071	Appeal from the Muskingum County Court of Common Pleas, Domestic Relations Division, Case No. DH2025-0303	Affirmed	Review of 60(B) motion Respondent-Appellant Bryan Catlin appealed the trial court's denial of his motion to vacate a domestic violence civil protection order issued in favor of Monica Catlin, arguing that a scheduling mistake and excusable neglect justified relief under Civ.R. 60(B). The appellate court affirmed the trial court's decision, finding no abuse of discretion because Catlin had been personally served with clear notice of the hearing date and time, and any misinformation received by his attorney's office did not negate that notice. The court also held that Catlin had no automatic right to be transported from jail to attend the civil hearing and had not requested such transport. Additionally, his second argument regarding excusable neglect was rejected due to lack of supporting legal argument. As a result, the trial court properly denied the motion to vacate, and the protection order remained in effect.	Montgomery	3/30/2026
State v. Caughenbaugh	2025-CA-00073	Appeal from the Licking County Municipal Court, Case No. 24TRC-09733	Reversed and Remanded	State's appeal on motion to suppress The State of Ohio appealed the trial court's decision granting Kori R. Caughenbaugh's motion to suppress evidence following a traffic stop for allegedly crossing the center line. Although the trial court found the dashcam footage did not corroborate the officer's testimony and concluded there was insufficient credible evidence to justify the stop, the appellate court disagreed, noting that the officer's unrefuted testimony described a clear traffic violation despite poor video quality due to darkness and weather conditions. The appellate court held that the trial court failed to adequately explain its rejection of the officer's testimony and may have applied the wrong legal standard by focusing on probable cause rather than reasonable suspicion. As a result, the appellate court reversed the suppression ruling and remanded the case for clarification and further analysis of whether the officer had a reasonable and articulable suspicion to initiate the stop.	King	3/31/2026
Harris v. Tri-Tech Laboratories, L.L.C.	2025 CA 00079	Appeal from the Licking County Court of Common Pleas, Case No. 2025CV974	Affirmed	Employer intentional tort claims dismissed for failure to meet heightened pleading standard Nicholas Harris appealed the dismissal of his employer intentional tort claim against Tri-Tech Laboratories after he was shot by a co-worker at work, arguing his complaint sufficiently alleged that the employer acted with deliberate intent under R.C. 2745.01. The appellate court affirmed the trial court's decision, holding that Harris's complaint failed to meet the heightened pleading standard required for such claims because it did not include specific factual allegations showing that Tri-Tech intended to injure him or knew injury was substantially certain to occur. While Harris alleged failures such as inadequate security and allowing a dangerous employee on-site, the court found these assertions amounted to unsupported conclusions rather than facts demonstrating deliberate intent. The court also rejected Harris's argument that dismissal was premature before discovery, noting he had agreed to stay discovery, and concluded that the complaint, even if taken as true, could not support an employer intentional tort claim.	King	3/31/2026
State v. Capps	25-CA-00008	Appeal from the Perry County Court of Common Pleas, Case No. 25-CR-0008	Affirmed	Manifest Weight - Ineffective Assistance - Failure to Instruct Jury on Defense of Residence/Property - No Error - No Error for Trial Court to Allow Evidence of "Post-Arrest Silence" Defendant-appellant Donald Capps appealed his convictions for two counts of felonious assault with firearm specifications and his prison sentence following a jury trial in Perry County, arguing multiple errors including ineffective assistance of counsel, improper admission of post-arrest silence, failure to instruct the jury on defense of property, and that his convictions were against the manifest weight of the evidence. The case arose after Capps shot his daughter, Toni Capps, in the back with a shotgun from approximately 40 feet away after she had broken windows at his home during a family dispute but was walking away at the time of the shooting. The appellate court found that although testimony referencing Capps' post-arrest silence was improper, it was harmless beyond a reasonable doubt, and that the trial court properly refused a defense-of-property instruction due to lack of notice and because the facts did not support it. The court further held that counsel was not ineffective, the jury did not lose its way in rejecting self-defense claims, and no cumulative error deprived Capps of a fair trial. Accordingly, the court affirmed the convictions and sentence.	Hoffman	4/1/2026

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State v. Bartos	2025 AP 06 0025	Appeal from the Tuscarawas County Court of Common Pleas, Case No. 2024 CR 09 0308	Affirmed	Anders Defendant-appellant Warren D. Bartos appealed his Tuscarawas County convictions and sentence after pleading guilty to trespass in a habitation, possession of a fentanyl-related compound, aggravated possession of methamphetamine, and resisting arrest, pursuant to a plea agreement in which a burglary charge was dismissed and the parties jointly recommended community control. The charges stemmed from Bartos entering his mother’s home without permission and hiding from police, who discovered drugs in his possession. The trial court conducted a proper plea hearing in compliance with Criminal Rule 11, ensuring Bartos’ pleas were knowing, voluntary, and intelligent, and later imposed the jointly recommended one-year community control sentence after considering all required statutory factors. On appeal, counsel filed an Anders brief asserting no meritorious issues, and after an independent review of the record, the appellate court agreed, finding the plea and sentence lawful and free of error, granted counsel’s motion to withdraw, and affirmed the trial court’s judgment.	Popham	4/3/2026