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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 |
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| <a href="#">State v. Largent</a> | CT2025-0109                                                  | Appeal from the <b>Muskingum County</b> Court of Common Pleas,<br>Case No. CR2025-0127                                                       | Reversed and Remanded | Sentencing<br><br>Kendra Largent appealed her sentence after a jury convicted her of 17 counts of theft and 17 counts of receiving stolen property arising from the theft of a purse containing a wallet with 17 credit cards and a SNAP card. The State dismissed the SNAP charge before trial, and the jury found Largent guilty on all remaining counts. At sentencing, the State agreed the theft counts merged with the receiving stolen property counts and elected sentencing on the 17 receiving stolen property convictions. The trial court imposed 12-month prison terms on each count and ordered one count to run consecutively to the others for a total sentence of 24 months. On appeal, Largent argued all receiving stolen property convictions should also have merged because they arose from a single act and animus. The appellate court reviewed the allied-offense issue de novo under Ohio's merger statute and relevant Supreme Court precedent, including State v. Ruff and State v. Johnson, and agreed. The court found the 17 counts all stemmed from the single theft of one wallet and there was no evidence the credit cards were treated separately. Concluding the offenses shared the same conduct and animus, the court held the counts should have merged for sentencing, reversed the sentence, and remanded the case for resentencing.                                                                                                                                                                                                                                                | Baldwin | 5/8/2026               |
| <a href="#">State v. Schroer</a> | 2025 CA 0064<br>2025 CA 0065                                 | Appeal from the <b>Richland County</b> Court of Common Pleas,<br>Case Nos.<br>2024-CR-00157<br>2024-CR-00328                                 | Reversed and Remanded | Judicial Release<br><br>The Fifth District Court of Appeals reversed the Richland County trial court's denial of Scott Schroer's motions for judicial release, finding that the State breached the plea agreement by opposing his release after he had served one year in prison. Schroer had pled guilty in two separate cases to attempted burglary and possession of a fentanyl-related compound in exchange for an aggregate four-year prison sentence with language in the plea agreement indicating "JR after one year." After Schroer first sought judicial release prematurely in February 2025, the trial court denied the request on that basis. When he renewed the motions in June 2025 after serving the required year, the State opposed release by citing his criminal history and the seriousness of the offenses, and the trial court denied the motions without a hearing. On appeal, Schroer argued the State violated the plea agreement. The appellate court held that although the plea agreement did not bind the trial court to grant judicial release, it did bind the State to honor its promise not to oppose release absent a post-plea violation by Schroer. Because the State opposed release based on facts known at the time of the plea agreement, the court concluded the State breached the agreement. The appellate court rejected the State's motion to dismiss the appeal, sustained Schroer's assignment of error, reversed the trial court's judgment, and remanded the case for renewed consideration of judicial release with the State required to comply with the plea agreement. | Baldwin | 5/11/2026              |
| <a href="#">In re K.A.P</a>      | 2025 CA 0095<br>2025 CA 0096<br>2025 CA 0097<br>2025 CA 0098 | Appeal from the <b>Richland County</b> Court of Common Pleas, Probate Division,<br>Case Nos.<br>20245016<br>20245017<br>20245018<br>20245019 | Affirmed              | Civ.R. 60 (B)<br><br>The Fifth District Court of Appeals affirmed the Richland County Probate Court's denial of appellants D.D.P. and M.A.P.'s Civ.R. 60(B) motion seeking relief from adoption decrees granting the adoption of their four children to the children's maternal grandparents, appellees M.A.J. and J.E.J. The biological parents argued that the appellees committed fraud, misrepresentation, and coercion by failing to honor a "gentlemen's agreement" regarding visitation between the children and paternal grandmother J.B., and claimed the probate court erred by denying the motion without an evidentiary hearing. The appellate court rejected those arguments, holding that under R.C. 3107.16(B), an adoption decree generally cannot be vacated more than six months after issuance on any grounds, including fraud or misrepresentation, and the parents filed their Civ.R. 60(B) motion nearly one year after the October 11, 2024 adoption decrees. The court further found that the appellants failed to allege operative facts warranting relief because a prior appeal had already determined the visitation "gentlemen's agreement" was not a significant factor in the probate court's best-interest determination supporting the adoptions. As a result, the probate court did not abuse its discretion in denying the motion without a hearing, and the appellate court affirmed the judgment.                                                                                                                                                                                        | Baldwin | 5/11/2026              |



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| <a href="#">Nestleroad v. Nestleroad</a> | CT 2025-0047                 | Appeal from the <b>Muskingum County</b> Court of Common Pleas, Domestic Relations Division, Case No. DA2023-0259 | Affirmed | Division of Marital Property<br><br>The Fifth District Court of Appeals affirmed the Muskingum County Domestic Relations Court's property division between Steven Nestleroad and Angela Nestleroad, rejecting Husband's claims that the trial court improperly calculated the marital estate and distributive award. The parties disputed how Husband's \$17,000 premarital contribution toward the marital home should be treated, as well as certain adjustments on the marital balance sheet. Husband argued the trial court erred by subtracting his separate property contribution from the home's total value before dividing the marital equity, but the appellate court held the trial court properly deducted the \$17,000 separate interest from the home's \$205,000 value to determine the marital portion and equitably awarded the remaining marital equity to Wife, who retained the home. Husband also challenged a \$46,681.07 adjustment on the balance sheet that the trial court labeled a "distributive award," arguing it distorted the property division. The appellate court acknowledged the label was technically inaccurate because the award did not come from separate property, but found the trial court acted within its discretion by using the adjustment to equalize the division of marital assets after considering factors under R.C. 3105.171(F), including Husband's failure to pay temporary support, withdrawal of marital funds, the disparity in retirement assets, and Wife's reduced earning capacity after primarily caring for the parties' child. The appellate court further rejected Husband's cumulative-error argument, concluding there were no errors warranting reversal, and affirmed the divorce decree and equitable property division in full.                                                               | Popham | 5/11/2026              |
| <a href="#">State v. Wright</a>          | 2025 CA 0028                 | Appeal from the <b>Coshocton County</b> Court of Common Pleas, Case No. 2025 CR 0030                             | Affirmed | Mandatory portion of sentence is not eligible for ERMPT<br><br>The Fifth District Court of Appeals affirmed William Wright's conviction and sentence following his guilty plea in Coshocton County to aggravated possession of drugs involving approximately 120 grams of methamphetamine, a second-degree felony carrying a mandatory indefinite prison term under Ohio's Reagan Tokes Law. Wright argued first that his seven- to ten-and-one-half-year sentence was contrary to law because the trial court failed to properly consider the purposes and principles of felony sentencing under R.C. 2929.11 and 2929.12. The appellate court rejected that argument, finding the trial court expressly considered the statutory sentencing factors, Wright's extensive prior drug-related felony history, his high ORAS recidivism score, the presentence investigation report, and the circumstances of the offense before imposing a sentence within the statutory range. Wright also argued the trial court erred by informing him during the plea hearing that he was ineligible for an Earned Reduction of Minimum Prison Term ("ERMPT") under R.C. 2967.271(F). The appellate court disagreed, holding that because Wright's offense required a mandatory prison term under R.C. 2929.13(F), his sentence could not be reduced through ERMPT or any other sentence-reduction mechanism contained in Chapter 2967 absent express legislative authorization. The court declined to follow contrary authority from the Eighth District and instead concluded that "mandatory" prison terms must both be imposed and fully served. Accordingly, the court held the trial court correctly advised Wright that he was not eligible for ERMPT and affirmed his conviction and sentence.                                                                                | Popham | 5/11/2026              |
| <a href="#">In re E.A.</a>               | 2025 CA 0023<br>2025 CA 0024 | Appeal from the <b>Coshocton County</b> of Common Pleas, Juvenile Division, Case Nos. 20243019 20243020          | Affirmed | Permanent Custody and Due Process<br><br>The Fifth District Court of Appeals affirmed the Coshocton County Juvenile Court's decision terminating mother W.V.'s parental rights to twins E.A. and H.A. and granting permanent custody to the Coshocton County Department of Job and Family Services (CCJFS). The children, born in October 2023, entered agency custody after testing positive for drugs at birth and following ongoing concerns involving mother's substance abuse, domestic violence, unstable housing, and inability to provide for the twins' special medical and developmental needs caused by prenatal drug exposure. Although mother participated in numerous treatment programs, including two stays at Stepping Stones inpatient treatment and participation in family dependency court, the evidence showed repeated relapses, failed drug screens, unsuccessful discharge from treatment programs, poor parenting skills, unstable housing, inappropriate relationships with men having violent criminal histories, and continued inability to safely care for the children. The appellate court rejected mother's argument that granting permanent custody instead of allowing additional reunification efforts violated her due process rights, finding she received notice, counsel, hearings, and opportunities to work her case plan. The court further held that the children had been in agency custody for more than 12 months of a consecutive 22-month period, were thriving and bonded with their foster family, and required legally secure permanent placement that mother could not provide within a reasonable time. Because clear and convincing evidence supported the trial court's best-interest findings and denial of a second six-month extension, the appellate court affirmed the award of permanent custody to CCJFS. | King   | 5/11/2026              |



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| <a href="#">Identitek Solutions v. RLD Relocation &amp; Logistics</a> | 2025CA00094     | Appeal from the Massillon Municipal Court of <b>Stark County</b> , Case No. 2024 CV 103375 | Affirmed | <p>Manifest weight of the evidence; R.C. 1925.17</p> <p>The Fifth District Court of Appeals affirmed the judgment of the Massillon Municipal Court in favor of Identitek Solutions against RLD Relocation and Logistics in a dispute over a commercial business sign. The case arose after Identitek manufactured a sign for RLD pursuant to signed quotes, approved artwork, city permit approval, and partial payment by RLD, but RLD later disputed the sign's size and design and refused to pay the remaining balance. The magistrate found that RLD's objections came only after the sign had already been manufactured and that no later agreement modifying the project was proven, awarding Identitek \$2,555.27 plus interest and costs. On appeal, RLD argued that the small-claims proceeding improperly allowed the corporation to appear through a non-attorney representative, that the trial court wrongly imposed personal liability on John DiMariangeli after dismissing him individually, and that the judgment was against the manifest weight of the evidence. The appellate court rejected all three arguments, holding that the corporate representative merely presented factual evidence permitted under R.C. 1925.17, that judgment was entered only against RLD and not DiMariangeli personally, and that competent, credible evidence supported the finding that RLD approved the sign and failed to pay the remaining balance owed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Baldwin | 5/12/2026              |
| <a href="#">Patterson v. Jordan</a>                                   | 2025 AP 11 0036 | Appeal from the <b>Tuscarawas County</b> Court of Common Pleas, Case No. 2016 TC 12 0518   | Affirmed | <p>Reallocation of parental rights and responsibilities - no violations of Father's procedural or substantive due process rights - Guardian ad Litem alleged failure to comply with Sup.R. 48.03(D) was not reversible error - The requirements placed upon Father's visitation with children was no a de facto termination of his parental rights</p> <p>The Fifth District Court of Appeals affirmed the judgment of the Tuscarawas County Court of Common Pleas terminating the shared parenting plan between Shawn Patterson ("Father") and Shelli M. Jordan, granting Mother sole custody of the parties' two children, and limiting Father to therapeutic visitation at the discretion of the children's counselors. The case arose after Mother sought emergency custody in 2024, following concerns regarding Father's handling of the children's trauma counseling after prior sexual abuse allegations involving Mother's former paramour. During the proceedings, Father repeatedly refused to cooperate with the guardian ad litem ("GAL") and refused to pay his share of GAL fees. On appeal, Father argued the trial court violated his substantive and procedural due process rights, effectively terminated his parental rights without finding him unfit, and improperly relied on a noncompliant GAL report. The appellate court rejected these arguments, explaining that in custody disputes between parents the controlling standard is the children's best interests rather than parental unfitness, and noting Father's parental rights were not terminated because he retained the ability to participate in therapeutic visitation. The court further found Father failed to properly identify alleged hearsay errors in the record and held that any deficiencies in the GAL investigation resulted largely from Father's own refusal to cooperate. Because competent evidence supported the trial court's decision and no reversible error occurred, the appellate court affirmed the custody order.</p> | Hoffman | 5/12/2026              |
| <a href="#">State v. Sickels</a>                                      | 2025 AP 07 0028 | Appeal from the <b>Tuscarawas County</b> Court of Common Pleas, Case No. 2024 CR 10 0339   | Affirmed | <p>Suppression; Blood and urine testing by a healthcare provider</p> <p>The Fifth District Court of Appeals affirmed the conviction and 48-month prison sentence of Richard Sickels arising from a March 17, 2024 crash in Tuscarawas County in which Sickels crashed his Dodge Challenger, killing his wife and seriously injuring two passengers while allegedly intoxicated. Hospital testing performed for medical treatment revealed a blood alcohol concentration of approximately .293 along with the presence of benzodiazepines, cannabinoids, and opioids, and Sickels later admitted he had been drinking before the crash. After being indicted on multiple aggravated vehicular homicide, aggravated vehicular assault, and OVI charges, Sickels moved to suppress the hospital blood and urine test results, arguing the State failed to prove compliance with Ohio Administrative Code requirements and failed to present testimony from the laboratory technician who performed the testing. The appellate court rejected these arguments, holding that under the amended version of R.C. 4511.19(D)(1)(a), blood and urine tests conducted entirely by a healthcare provider for medical treatment purposes are admissible with expert testimony and are not subject to the same administrative compliance requirements applicable to law-enforcement testing. The court further held that Sickels' confrontation clause rights were not violated because suppression hearings permit hearsay and do not require live testimony from every technician involved, and that any alleged discovery violation regarding late disclosure of the laboratory technician's identity was moot because the case never proceeded to trial and Sickels failed to show prejudice. Accordingly, the appellate court affirmed the trial court's denial of the motion to suppress and upheld Sickels' convictions and sentence.</p>                                                                                                  | King    | 5/12/2026              |



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| <a href="#">Ibrahim v. Bailfish Servs., L.L.C.</a> | 25 CAE 10 0087                                                          | Appeal from the <b>Delaware County</b> Court of Common Pleas,<br>Case No. 24 CV 12 1250                                                                              | Affirmed | <p>Insufficient service of complaint; Civ.R. 60(B) motion properly denied.</p> <p>The Fifth District Court of Appeals affirmed the Delaware County Common Pleas Court's denial of a motion for relief from judgment filed by Bailfish Services, LLC and its owner, Kenneth C. Fisher, in a dispute brought by homeowner Kawthar Ibrahim over restoration work on her fire-damaged home. Ibrahim sued the appellants for breach of contract, Consumer Sales Practices Act violations, fraud, and unjust enrichment after alleging the work was not completed as agreed. When appellants failed to answer the complaint or appear at subsequent hearings, the trial court entered default judgment and later awarded Ibrahim nearly \$500,000 in compensatory and treble damages plus attorney fees. Appellants later sought relief from judgment under Civ.R. 60(B), arguing they had not been properly served, had meritorious defenses, and were overwhelmed by financial distress and multiple lawsuits. The appellate court rejected these claims, finding that the record showed personal service by a process server and that Fisher's affidavit merely stating he did not "recall" receiving service was insufficient to rebut the presumption of proper service. The court also held that appellants failed to demonstrate excusable neglect or extraordinary circumstances justifying relief from judgment, noting that financial hardship and litigation overload do not qualify under Civ.R. 60(B). Finally, the court determined appellants' challenge to the judgment debtor examination and show-cause proceedings was moot because those proceedings had later been vacated. Accordingly, the appellate court affirmed the trial court's judgment in all respects.</p> | King    | 5/12/2026              |
| <a href="#">State v. Barton</a>                    | 25 CAC 08 0069                                                          | Appeal from the Delaware Municipal Court of <b>Delaware County</b> ,<br>Case No. 25 CRB 00100                                                                        | Affirmed | <p>Ineffective-assistance claim falls short where the trial court declined to order a competency evaluation after the defendant's trial counsel asked for one and where nothing in the record casts doubt on the defendant's competence to enter a no-contest plea to a misdemeanor charge.</p> <p>In his appeal, defendant Troy Barton argued that he received ineffective assistance of counsel because his attorney failed to ensure that he was competent before entering a no-contest plea to a misdemeanor theft charge arising from stealing nearly \$950 worth of trading cards from a Meijer store. Barton's attorney had previously raised concerns about his competency and requested an evaluation, noting that Barton was undergoing a second competency review in an unrelated Licking County case, but the trial court declined to order another evaluation. At the plea hearing, Barton's attorney expressed no concerns about his competency, and Barton appropriately answered the court's questions and acknowledged understanding the consequences of his plea. On appeal, the court held that counsel was not ineffective under Strickland because the attorney did investigate competency concerns and nothing in the record demonstrated sufficient indicia of incompetence requiring a hearing. The court emphasized that Barton had recently been found competent in another case, displayed no unusual behavior during the proceedings, and failed to overcome the legal presumption of competency. Accordingly, the Delaware Municipal Court's judgment was affirmed.</p>                                                                                                                                                                                 | Gormley | 5/13/2026              |
| <a href="#">In re P.S</a>                          | 2025CA00172<br>2025CA00173<br>2025CA00174<br>2025CA00175<br>2025CA00176 | Appeal from the <b>Stark County</b> Court of Common Pleas, Family Court Division,<br>Case Nos.<br>2023JC1476<br>2023JC1477<br>2023JC1478<br>2023JC1479<br>2023JC1480 | Affirmed | <p>Permanent Custody</p> <p>Appellant-Father, B.S., challenged the Stark County Family Court's decision granting permanent custody of his five children to Stark County Jobs and Family Services, arguing the judgment was against the manifest weight and sufficiency of the evidence. The appellate court affirmed the decision, finding clear and convincing evidence that the children had been in agency custody for more than 12 of 22 consecutive months and could not be safely returned to Father within a reasonable time. The record showed longstanding concerns involving deplorable and unsafe home conditions, including animal feces, insects, clutter, lack of heat, and unmet medical and dental needs for the children. Although Father made limited improvements and participated inconsistently in services, evidence demonstrated he failed to complete parenting programs, resisted mental health treatment, struggled with anger and supervision during visits, and failed to remedy the underlying issues that led to removal. Expert testimony established Father suffered from severe mental health disorders requiring ongoing treatment and intensive parenting intervention. The court also emphasized the children's need for stability and permanence, noting they were thriving in foster or kinship placements, several caregivers wished to adopt, and the Guardian ad Litem supported permanent custody. Concluding that the children's best interests outweighed Father's parental interests, the appellate court held the trial court's findings were supported by competent, credible evidence and affirmed the termination of parental rights.</p>                                                                                           | Popham  | 5/14/2026              |



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| <a href="#">State v. Brady</a>     | 25 CAA 11 0099 | Appeal from the <b>Delaware County</b> Court of Common Pleas,<br>Case No. 22 CRI 10 0546 | Affirmed | Sentencing<br><br>Appellant Adrain M. Brady appealed his sentence from the Delaware County Court of Common Pleas after the trial court terminated his intervention in lieu of conviction ("ILC") and imposed community control with 120 days in local jail for aggravated possession of methamphetamine and petty theft. The case arose after Brady stole a pair of shoes from a Meijer store and was later found in possession of methamphetamine during his arrest. Although Brady was granted ILC, he repeatedly violated its conditions by failing to report to probation, failing to participate in treatment, missing drug screens, admitting methamphetamine use, and disappearing for extended periods, including more than a year before being rearrested. At the violation hearing, Brady admitted the violations, while the State and probation department explained he was ineligible for placement in a community-based correctional facility because of an outstanding Kentucky warrant. On appeal, Brady argued the trial court violated Ohio sentencing principles under R.C. 2929.11 by imposing jail time instead of nonresidential sanctions such as treatment or house arrest. The appellate court rejected his argument, finding the sentence was within the statutory range and that 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. The court emphasized Brady's continued drug use, repeated failures to comply with supervision, and unwillingness to participate in nonresidential sanctions, concluding the sentence was not contrary to law and affirming the judgment.                                                                                                                                                                              | Popham | 5/14/2026              |
| <a href="#">State v. Laughbaum</a> | 25-COA-028     | Appeal from the <b>Ashland County</b> Court of Common Pleas,<br>Case No. 24-CRI-066      | Affirmed | Speed trial; Manifest weight<br><br>Appellant Stephen Laughbaum appealed his conviction for aggravated possession of drugs following a jury trial in the Ashland County Court of Common Pleas, arguing that his constitutional and statutory speedy-trial rights were violated and that his conviction was against the manifest weight of the evidence due to an alleged break in the chain of custody of the drugs. The charges arose after Ashland County deputies responded to a trespassing complaint in April 2022, discovered Laughbaum had an active warrant, and during a search incident to arrest found a container holding dimethyltryptamine (DMT), a Schedule I controlled substance; deputies later found a handgun concealed in a heating vent. Although Laughbaum was acquitted of having weapons while under disability, the jury convicted him of aggravated possession of drugs. On appeal, the court rejected his speedy-trial argument, finding that although 507 days elapsed before trial, nearly all delays were attributable to competency proceedings, defense-requested continuances, counsel changes, plea discussions, or reasonable continuances granted to the court or State under Ohio's tolling statutes. The appellate court calculated that only 48 days were chargeable to the State, well below the statutory limits. The court also rejected Laughbaum's challenge to the chain of custody, holding the State presented sufficient testimony and body-camera evidence establishing the drugs recovered from his pocket were properly handled and tested by the Ohio Bureau of Criminal Investigation. The court explained that any minor discrepancies affected the weight, not admissibility, of the evidence, and concluded the jury did not lose its way in finding him guilty. Accordingly, the appellate court affirmed the conviction and sentence. | Popham | 5/14/2026              |