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. Young	2026CA00062	Appeal from the Canton Municipal Court of **Stark County**, Case No.2026CRB00266	Affirmed	Sufficiency/Weight of the Evidence The Fifth District Court of Appeals affirmed Tyler Young's convictions for domestic violence, aggravated menacing, and endangering children following his no-contest plea. Young argued that the trial court abused its discretion by permitting the State to introduce evidence of two prior incidents of domestic violence involving the same victim to establish the victim's fear of serious physical harm. The appellate court concluded that the prior-acts evidence was relevant and admissible for the limited, non-propensity purpose of establishing the victim's state of mind and that the trial court appropriately limited its use to minimize unfair prejudice. However, Young's separate argument that the evidence improperly prejudiced him on the domestic violence and child endangering charges was not preserved because he failed to obtain a ruling on that issue or move to sever the charges. Accordingly, the court overruled his assignment of error and affirmed the convictions and sentence.	Popham	11/13/2026
State v. Mehl	CT2026-0023	Appeal from the **Muskingum County** Court of Common Pleas, Case No. CR.2025-0441	Affirmed	Pre-sentence motion to withdraw guilty plea properly denied. The Fifth District Court of Appeals affirmed the Muskingum County Court of Common Pleas' denial of David E. Mehl's presentence motion to withdraw his guilty pleas to engaging in a pattern of corrupt activity, breaking and entering, theft from persons in a protected class, possessing criminal tools, and grand theft of a motor vehicle. Mehl argued that he was under the influence of drugs when he entered his pleas, did not understand the proceedings, received ineffective assistance of counsel, and had potential defenses concerning ownership of some of the allegedly stolen property. The appellate court found that the trial court provided a full and fair hearing on the motion during the sentencing proceeding and properly considered the relevant factors under State v. Fish. Although the State demonstrated no prejudice from withdrawal and the motion was filed before sentencing, the court emphasized that Mehl had knowingly, intelligently, and voluntarily entered his pleas, expressed satisfaction with counsel, failed to provide independent evidence of intoxication at the plea hearing, and absconded for approximately four months rather than promptly seeking withdrawal. Finding no reasonable and legitimate basis to withdraw the pleas, the court concluded that the trial court did not abuse its discretion and affirmed Mehl's aggregate prison sentence of 13 to 17 years.	Popham	11/13/2026
State v. Delgado	26CAA080084	Appeal from the **Delaware County** Court of Common Pleas, Case No. 21CRI 080496	Affirmed	Earned Reduction of Minimum Prison Term ("ERMPT") and earned credit reduction do not apply to a mandatory sentence. The Fifth District Court of Appeals affirmed the Delaware County Court of Common Pleas' denial of Abdiel Isaac Khury Delgado's motion to clarify his sentence. Delgado, who was serving a mandatory prison term of 10 to 15 years for aggravated trafficking in cocaine involving 100 grams or more, argued that he remained eligible to earn sentence-reduction credits under R.C. 2967.194 despite the mandatory nature of his sentence. The appellate court rejected his argument, finding that R.C. 2929.13(F)(5) prohibits reducing mandatory prison terms for qualifying felony drug offenses and that Delgado was therefore ineligible for both Earned Reduction of Minimum Prison Term (ERMPT) under R.C. 2967.271(F) and Earned Credit and Risk Reduction (ECRR) under R.C. 2967.194(C)(1). Concluding that the applicable statutes expressly excluded Delgado from both sentence-reduction programs, the court overruled his sole assignment of error and affirmed the trial court's judgment.	Popham	11/13/2026
In re E.R.	2026CA00100	Appeal from the **Stark County** Court of Common Pleas, Family Court Division, Case No.2024JCV01265	Affirmed	Permanent custody; Insufficient evidence; Ineffective assistance of counsel The Fifth District Court of Appeals affirmed the Stark County Court of Common Pleas' decision granting permanent custody of E.R. to Stark County Job and Family Services (SCJFS), rejecting the father's three assignments of error. The father argued that the agency failed to establish that the child could not be reunified with him within a reasonable time or that permanent custody was in the child's best interest. The court found clear and convincing evidence that the father had failed to remedy the conditions leading to the child's removal, including concerns involving sexual misconduct, failure to complete recommended counseling, unstable housing, and the child's longstanding educational, dental, and mental health neglect. The court also found that the child, who had experienced suicidal ideation before removal, was doing substantially better in foster care, receiving appropriate mental health treatment and education, and wished to be adopted rather than return to her parents. Finally, the court rejected the father's ineffective assistance of counsel claim, finding that he failed to identify specific errors by counsel or demonstrate that the outcome would have been different but for those errors. Accordingly, the court overruled all three assignments of error and affirmed the award of permanent custody to SCJFS.	Montgomery	11/13/2026

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
In re E.R.	2026CA00101	Appeal from the **Stark County** Court of Common Pleas, Family Court Division, Case No.2024JCV01265	Affirmed	Permanent custody; Insufficient evidence The Fifth District Court of Appeals affirmed the Stark County Family Court's award of permanent custody of E.R. to SCJFS, rejecting Mother's challenges to the findings that the child could not be returned to her within a reasonable time and that permanent custody was in the child's best interest. The record showed that the child had suffered significant educational, dental, and mental health neglect while in her parents' care, including suicidal ideation and attempts, and that Mother failed to substantially remedy the conditions leading to removal. Mother delayed beginning counseling, did not make progress in treatment, failed to regularly cooperate with the caseworker, lacked insight into the child's mental health needs and Father's sexual-abuse risk, and attempted to discourage the child from taking prescribed medication. The court also rejected Mother's argument that SCJFS failed to make reasonable reunification efforts, noting that the trial court had made reasonable-efforts findings on five prior occasions and Mother had not objected. Regarding the child's best interest, the court emphasized that the child did not want to return home, was doing better emotionally and academically in foster care, and wished to be adopted by her foster family. Finding clear and convincing evidence supporting the permanent-custody determination, the appellate court overruled both assignments of error and affirmed the trial court's judgment.	Montgomery	11/13/2026
Petties v. Johnson	2026CA00017	Appeal from the **Stark County** Court of Common Pleas, Case No. 2024 CV00774	Affirmed	Civ.R. 53(D); Civ. R. 15(A) The Fifth District Court of Appeals affirmed the Stark County Court of Common Pleas' judgment in favor of Jasmine and Charles Petties on their claims against their landlords for violating R.C. 5321.15. The dispute arose after the landlords posted a three-day notice demanding that the tenants vacate the rental property and, without filing an eviction action, placed their remaining belongings at the curb, where some items were damaged or stolen. The landlords challenged the trial court's decision to allow Jasmine to amend her complaint to add Charles, the named lessee, as a plaintiff; the $5,790 damages award; and the award of $7,223 in attorney fees and costs. The appellate court held that allowing the amendment was not an abuse of discretion because it added no new claims or defendants, caused no undue prejudice, and avoided the delay of a separate lawsuit. The damages challenge was forfeited because the landlords failed to object to the magistrate's decision and did not provide a trial transcript, requiring the appellate court to presume the regularity of the proceedings. Finally, the court rejected the argument that the attorney-fee award was limited by the clients' one-third contingency-fee agreement, explaining that R.C. 5321.15(C) authorizes reasonable attorney fees and that the private agreement did not cap the statutory award. All three assignments of error were overruled, and the judgment was affirmed.	Baldwin	11/13/2026
Sorensen v. Hellas	26 CAE 07 0071 26 CAE 07 0073	Appeal from the **Delaware County** Court of Common Pleas, Case No.25CV H01 112	Affirmed	Motion for Summary Judgment - Party did not breach contract when party not party to contract - Slander of title - Quit title - Aware of attorney fees reasonable The Fifth District Court of Appeals affirmed the Delaware County Court of Common Pleas' judgment in favor of Hellas Investments LTD in its dispute with Sorensen Construction, Inc. Sorensen Construction claimed it was owed additional compensation for renovation work performed on property owned by Hellas, arguing that an oral contract existed through John Vlahos, who controlled Hellas. The appellate court found no enforceable contract existed between Sorensen Construction and Hellas because the parties never agreed to a contract with Hellas, and Sorensen Construction's own testimony established it believed it was contracting with Vlahos personally. The court also rejected Sorensen Construction's unjust enrichment claim, finding it had received $292,000 directly from Vlahos and another $72,000 paid to subcontractors and suppliers, with insufficient evidence of additional amounts owed. The court upheld summary judgment for Hellas on its slander of title and quiet title claims, concluding Sorensen Construction recklessly filed an unsupported mechanic's lien without a proper accounting, thereby creating an improper cloud on Hellas' property title. The court further affirmed the $111,714 damages award, which included costs for work performed, attorney fees incurred in the refiled action, and expert fees, finding no abuse of discretion. Finally, the court rejected Hellas' cross-appeal seeking attorney fees from the previously dismissed action, holding that Hellas had not asserted a claim in that action entitling it to recover those fees. All assignments of error were overruled, and the trial court's judgment was affirmed.	Hoffman	11/16/2026

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
Eagle Creek Farm Properties, Inc. v. EAP Ohio, L.L.C.	26CA000015	Appeal from the **Guernsey County** Court of Common Pleas, Case No. 24-CV-262	Affirmed	Summary judgment; Oil well lease; Breach of contract; Fraud; Unjust enrichment; Trespass The Fifth District Court of Appeals affirmed summary judgment in favor of EAP Ohio, LLC, rejecting Eagle Creek Farm Properties, Inc.'s claims arising from EAP's construction of temporary waterlines on Eagle Creek's property during oil and gas operations. The court found that the Surface Use Agreement (SUA) and its Addendum, read together, permitted EAP to install waterlines within the designated 17-acre Well Site Boundary, as the Addendum did not expressly prohibit that activity. The court further concluded that Exhibit A identified only the approximate location of the well site and did not require EAP to maintain the originally depicted gap between the property boundary and neighboring land. Eagle Creek also failed to establish a breach of the ingress-egress or commencement-of-operations provisions, as there was no evidence creating a genuine issue of material fact regarding those claims. The fraud claim failed because Eagle Creek presented no evidence of a specific false representation upon which the original property owner relied in entering the agreement. Finally, because the contract authorized the waterlines and no fraud was established, the court rejected the unjust enrichment and trespass claims and overruled all three assignments of error, affirming the trial court's judgment.	Montgomery	11/17/2026
State v. Bowen	2026CA0006	Appeal from the Court of Common Pleas of **Coshocton County**, Case No. 2025CR0059	Affirmed	The trial court's imposition of consecutive prison terms for felony offenses is affirmed where the record supports the trial court's R.C. 2929.14(C) consecutive-sentence findings and where each prison term fell within the R.C. 2929.14(A) range of permissible sentences for each crime at issue. The Fifth District Court of Appeals affirmed Ryan Bowen's convictions and consecutive prison sentences after finding no plain error in the trial court's sentencing decision. Bowen pleaded guilty to two counts of felonious assault and one count of disrupting public services, receiving consecutive prison terms of three years, four years, and 12 months, respectively. Although Bowen argued that the record did not support the imposition of consecutive sentences, he failed to object at the sentencing hearing, limiting appellate review to plain error. The appellate court found that the trial court made all required findings under R.C. 2929.14(C)(4), including that consecutive sentences were necessary to punish Bowen and protect the public, were not disproportionate to his conduct and the danger he posed, and were warranted by his criminal history. The court concluded that the record supported those findings, particularly given Bowen's prior criminal convictions and his commission of additional violent offenses shortly after his release from prison. Accordingly, the court found no plain error and affirmed the judgment of the Coshocton County Court of Common Pleas.	Gormley	11/18/2026
State v. Gallagher	2026CA0003	Appeal from the Court of Common Pleas of **Coshocton County**, Case No. 2026CR0003	Affirmed	R.C. 2953.08(G)(2)(a) does not permit an appellate court to undo a felony sentence based on an alleged lack of support in the record for a trial court's R.C. 2929.11 purposes-of-sentencing findings or its R.C. 2929.12 seriousness-and-recidivism-factors findings. And the sentence in this case was not contrary to law under R.C. 2953.08(G)(2)(b) where (1) the judge considered those statutory factors, (2) a separate prison term was imposed for each offense, with each prison term falling within the appropriate statutory range, and (3) the judge then made the necessary consecutive-sentence findings. The Fifth District Court of Appeals affirmed Christopher Gallagher's 34-month prison sentence following his guilty pleas to vehicular assault and failure to stop after a crash, both fourth-degree felonies. Gallagher argued that his consecutive 17-month sentences were excessive and that the trial court improperly weighed the seriousness and recidivism factors under R.C. 2929.11 and 2929.12. The appellate court rejected his argument, explaining that it could not independently reweigh those sentencing factors and could modify the sentence only upon clear and convincing evidence that it was unsupported by the required findings or otherwise contrary to law. The court found that the individual prison terms were within the statutory range, the trial court had considered the presentence investigation, the parties' statements, and the applicable sentencing factors, and the judge had made the required consecutive-sentence findings under R.C. 2929.14(C)(4). Because the trial court complied with the applicable sentencing statutes, the appellate court found no basis to modify the sentence and affirmed the judgment of the Coshocton County Court of Common Pleas.	Gormley	11/18/2026
LVNV Funding, L.L.C. v. Harrington	2026CA00196 2026CA00197	Appeal from the Canton Municipal Court of **Stark County**, Case Nos. 2026 CVF 00852 2026 CVF 01421	Affirmed	Pro se Plaintiff's failure to understand law and legal proceedings does not constitute "excusable neglect" in order to obtain relief under Civ.R. 60(B) The Fifth District Court of Appeals affirmed the Canton Municipal Court's denial of Nikole Harrington's motions for relief from default judgments in two separate credit-card collection cases brought by LVNV Funding, LLC, seeking $1,782.35 and $1,844.77, respectively. Harrington argued that her failure to file answers resulted from her unfamiliarity with court procedures and lack of understanding that formal written responses were required, and that the trial court should have held hearings on her Civ.R. 60(B)(1) motions. The appellate court concluded that a self-represented litigant is held to the same procedural standards as an attorney-represented party and that unfamiliarity with the law, lack of legal counsel, or misunderstanding of court procedures does not constitute excusable neglect under Civ.R. 60(B)(1). Because Harrington failed to satisfy the requirement of demonstrating grounds for relief from judgment under the GTE Automatic test, the trial court did not abuse its discretion in denying her motions without hearings. Both assignments of error were overruled, and the judgments were affirmed.	Hoffman	11/19/2026

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
Kallgren v. Danbury Westerville by Storypoint Group	26 CAE 06 0061	Appeal from the **Delaware County** Court of Common Pleas, Case No. 25 CVA 11 1379	Reversed and Remanded	Civ.R. 12(C) motion for judgment on the pleadings improper; notice pleading; amend complaint The Fifth District Court of Appeals reversed the Delaware County Common Pleas Court's dismissal of a wrongful death and negligence action brought by Melissa Kallgren, administrator of the Estate of Franklin D. Meadows, against Danbury Westerville and related entities. Kallgren alleged that the defendants' negligent care, treatment, supervision, and training of staff resulted in an incident or fall that caused Meadows' serious injuries and death while he resided at their assisted living facility. The trial court granted the defendants' Civ.R. 12(C) motion for judgment on the pleadings, finding the complaint insufficiently detailed, and dismissed the action with prejudice. The appellate court concluded that the complaint satisfied Ohio's liberal notice-pleading requirements under Civ.R. 8 because it provided sufficient allegations to identify the nature of the claims and the basis for relief, and plaintiffs are not required to prove their cases at the pleading stage. The court also found the affidavit of merit complied with Civ.R. 10(D)(2) and noted that any deficiency would have required an opportunity to cure. Because the trial court failed to explain its dismissal or establish that no material factual issues existed, it erred in granting judgment on the pleadings. The first assignment of error was sustained, the remaining assignments were either moot or denied, and the case was reversed and remanded for further proceedings.	King	11/19/2026
Soyele v. Olalekan	26 CAF 06 0063	Appeal from the **Delaware County** Court of Common Pleas, Domestic Relations Division, Case No. 25 DV H 04 0237	Affirmed	Dating violence civil protection order; personal jurisdiction, long-arm statute and minimum contacts; res judicata The Fifth District Court of Appeals affirmed the Delaware County Domestic Relations Court's issuance of a five-year dating violence civil protection order in favor of Adesola Soyele against Olayinka Hamed Olalekan. The parties had been involved in a volatile relationship that ended in 2024, after which Soyele moved to Ohio and allegedly received threatening electronic messages, including death threats, that she believed were sent by Olalekan. Olalekan challenged the trial court's personal jurisdiction, arguing that he was an Illinois resident without sufficient minimum contacts with Ohio. The appellate court concluded that the threatening communications sent to Soyele in Ohio provided a sufficient basis for long-arm jurisdiction and that Olalekan waived his personal jurisdiction defense by participating in the final hearing without raising the issue. The court also rejected his res judicata argument, finding that Soyele's initial domestic violence protection petition had been dismissed without prejudice because the parties did not qualify as family or household members, and her subsequent dating violence petition involved a claim that could not have been raised in the original proceeding. Finally, the court found no error in the trial court's handling of Olalekan's untimely transcript, concluding that the court had discretion to consider it despite the filing delay. All five assignments of error were overruled, and the protection order was affirmed.	King	11/19/2026