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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 ex rel. Smith v. Smith	2026 CA 00034	Opinion & Judgment Entry (**Fairfield County**)	Case Dismissed	The claim-preclusion doctrine bars a petitioner from seeking writs of prohibition and mandamus where the Supreme Court has already dismissed a similar case in which the same petitioner sought or could have sought the same relief against the same respondent for alleged wrongdoing involving the same operative facts that he raised in the first case. David Smith filed an original action seeking writs of mandamus and prohibition against Judge Laura Smith, asking the court to remove a no-contact provision from a child-custody order involving a minor child and to prevent the judge from imposing similar restrictions on him in the future. Smith, who was not a party to the underlying custody case but is married to one of the parties, had previously challenged the same provision in a mandamus action before the Ohio Supreme Court, which dismissed his complaint. The court held that the doctrine of claim preclusion barred Smith's current action because the prior dismissal constituted a final decision on the merits, involved the same parties, concerned virtually identical claims, and arose from the same underlying events. Although Smith argued that the domestic-relations judge lacked authority to impose restrictions on a nonparty and should have referred concerns about his conduct to juvenile court, the court concluded that he could have raised those arguments in his earlier action and could not relitigate them in a second proceeding. Accordingly, the court granted the judge's motion for summary judgment, denied Smith's cross-motion for summary judgment, deemed the judge's motion to strike moot, and dismissed the complaint.	Gormley	10/19/2026
State v. Shannon	26-CA-4	Appeal from the **Knox County** Court of Common Pleas, Case No. 23CR09-0213	Affirmed	Mandatory sentence not eligible for earned reduction of minimum prison term Joshua A. Shannon appealed the Knox County Common Pleas Court's denial of his motion to correct his sentencing entry to recognize his eligibility for an earned reduction of his minimum prison term (ERMPT). Shannon pleaded guilty to second-degree felony aggravated possession of drugs and related firearm and forfeiture specifications and received a mandatory indefinite prison sentence of four to six years, plus a consecutive mandatory one-year firearm specification, for a total sentence of five to six years. He argued that he should be eligible for a sentence reduction based on exceptional conduct or adjustment to incarceration. Relying on its recent decision in State v. Wright, 2026-Ohio-1714, the Fifth District Court of Appeals held that R.C. 2929.13(F) prohibits reductions of mandatory prison terms through mechanisms authorized under R.C. Chapter 2967 unless the legislature expressly provides an exception. Because ERMPT is governed by R.C. 2967.271(F) and no applicable exception permits a reduction of Shannon's mandatory sentence, the court concluded that he was ineligible for relief. Accordingly, the court overruled Shannon's sole assignment of error and affirmed the trial court's judgment.	King	10/19/2026
Ferguson v. Tri-R Tooling Inc.	2026 CA 0031 2026 CA 0035	Appeals from the Court of Common Pleas of **Richland County**, Case No. 2024 CV 0366	Affirmed	After a party in a civil case voluntarily dismissed her claims, she could not seek to undo that dismissal by filing a Civil Rule 60(B) motion for relief from judgment because no judgment had in fact been entered. In addition, the trial court did not err by requiring that party to pay court costs and subpoena fees in the case. Annette Windsor appealed several orders issued by the Richland County Court of Common Pleas concerning court costs, subpoena fees, electronic service of court documents, and her motion for relief from judgment. Windsor argued that her indigency warranted a waiver of court costs and that the parties' agreement to divide costs equally required the plaintiff to share her subpoena expenses. The appellate court found no abuse of discretion in denying a full waiver of court costs because the trial court determined that Windsor had sufficient income and assets to pay them. The court also upheld the separate assessment of subpoena fees, explaining that Windsor alone was responsible for those expenses incurred before the parties agreed to dismiss their claims. Additionally, the court found that requiring Windsor to provide an email address for service of court documents was consistent with applicable local and state rules, and that problems with her email system were not the trial court's responsibility. Finally, the court concluded that Civ.R. 60(B) did not permit Windsor to obtain relief from the voluntary dismissal agreement she had signed because no judicial judgment had been entered. Accordingly, the appellate court affirmed the trial court's rulings.	Gormley	10/19/2026

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In re K.N.	2026 CA 00088	Appeal from the Court of Common Pleas of **Stark County**, Juvenile Division, Case No. 2026 JCV 00117	Affirmed	The trial court properly awarded permanent custody of mother's child to a county children's services agency. The mother appealed the Stark County Court of Common Pleas, Juvenile Division's decision granting permanent custody of her newborn son to Stark County Job and Family Services and terminating her parental rights. The child was born prematurely in January 2026, weighing less than two pounds, and Mother admitted to using marijuana during pregnancy and continued using it despite pursuing treatment. The appellate court found sufficient evidence to support the dependency determination under R.C. 2151.04(D), noting that Mother's six older children had been permanently placed outside her custody, she had never completed their case plans, remained involved with an abusive boyfriend, and lived in an unsanitary home containing animal feces and a pervasive odor of urine. Although the trial court failed to identify the specific statutory basis for dependency and did not expressly address reasonable efforts to reunify the family, the appellate court found the omissions harmless because the record supported dependency and Mother's prior involuntary termination of parental rights to a sibling excused the Agency from making reasonable reunification efforts. The court also upheld the permanent-custody decision, concluding that Mother could not provide a safe, stable home and that the child's prospective adoptive placement with the adoptive parents of an older sibling offered a secure permanent environment. Finally, the court rejected Mother's argument that the trial court failed to comply with the Indian Child Welfare Act, noting that the Agency had sent appropriate inquiries regarding possible Native American heritage but received no responses, and that no supporting evidence of tribal affiliation was presented. Accordingly, the appellate court overruled all of Mother's assignments of error and affirmed the judgment granting permanent custody to the Agency.	Gormley	10/19/2026
Swank v. Swank	2025-CA-0107	Appeal from the **Richland County** Court of Common Pleas, Domestic Relations Division, Case No. 2013-DIV-0696	Affirmed	Child Support, Contempt Lynette Swank, nka Reddaway, appealed the Richland County Court of Common Pleas' decision overruling her objections to a magistrate's ruling on child support, reimbursement of shared expenses, contempt, and shared parenting involving her daughter, K.S. The Fifth District Court of Appeals affirmed, holding that the parties' shared parenting plan did not require Father to reimburse Mother for hotels, flights, rental cars, or mileage associated with out-of-state gymnastics competitions because transportation expenses were the responsibility of the parent caring for the child at the time. The court also upheld the finding that Father had overpaid Mother by $93.05 during the period covered by her contempt motion, rejecting her request to include two physical therapy bills that were not included in the motion or its supporting expense statement and for which Father had not received notice. Because Father's payments exceeded his established obligations, the trial court did not abuse its discretion in denying Mother's contempt motion or request for attorney fees. The court further found no error in the child-support calculation, which imputed annual income of $76,792 to Mother based on voluntary underemployment and used Father's current annual income of $96,032, a figure Mother had requested during the proceedings. The court also upheld the December 7, 2023 effective date of the modified child-support order, explaining that support could not be modified retroactively to a date before Mother filed her motion, and rejected her request for an additional upward deviation from the guideline amount. Finally, the court found the dispute over modifying the shared parenting plan moot because K.S. turned 18 during the proceedings, ending the court's jurisdiction over parental rights and responsibilities. Accordingly, the court overruled all seven of Mother's assignments of error and affirmed the trial court's judgment.	Popham	10/19/2026
State v. Menifield	2025CA00137	Appeal from the **Stark County** Court of Common Pleas, Case No. 2022CR2397	Affirmed	Post-Conviction Relief - Successive Petition Major Essix Menifield appealed the Stark County Court of Common Pleas' denial of his petition for post-conviction relief, arguing that the trial court erred by failing to provide findings of fact and conclusions of law. Menifield was convicted of domestic violence and felonious assault following a December 2022 incident involving his girlfriend and received a prison sentence of six to nine years. In his September 2024 petition, he alleged ineffective assistance of trial counsel for failing to subpoena an alibi witness and investigate a nurse who testified at trial. The Fifth District Court of Appeals found that the trial court's judgment, although not organized under separate headings for findings of fact and conclusions of law, sufficiently explained the basis for denying relief. The court emphasized that Menifield provided no supporting affidavits or documentation to substantiate his claims and that the trial court properly concluded his petition failed to establish sufficient operative facts demonstrating constitutional violations. The court also rejected his argument that he was entitled to counsel, noting that post-conviction petitioners have no constitutional right to appointed counsel, and affirmed the trial court's judgment.	Hoffman	10/21/2026

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State v. Farmer	CT2026-0053	Appeal from the **Muskingum County** Court of Common Pleas, Case No. CR2026-0071	Affirmed	Sufficiency; Crim.R.29; and manifest weight on aggravated drug possession Robert Farmer appealed his May 18, 2026 conviction in the Muskingum County Court of Common Pleas for aggravated possession of drugs, arguing that the evidence was insufficient to prove he knowingly possessed methamphetamine and that his conviction was against the manifest weight of the evidence. The charges arose from a traffic stop during which Farmer was arrested on an outstanding warrant and officers discovered methamphetamine inside a knotted blue latex glove on the driver's seat of the vehicle he was driving. Although the vehicle was registered to another individual, the appellate court concluded that the glove's location on Farmer's seat and his proximity to the drugs provided sufficient circumstantial evidence that he exercised dominion and control over the methamphetamine, establishing constructive possession. The court further determined that the evidence supported the jury's verdict and that this was not an exceptional case in which the jury had lost its way or caused a manifest miscarriage of justice. Accordingly, the Fifth District Court of Appeals rejected both assignments of error and affirmed Farmer's conviction and eleven-month prison sentence.	King	10/22/2026