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
M. Conley Co. v. State Unemp. Comp. Rev. Comm.	2026CA00089	Appeal from the **Stark County** Court of Common Pleas, Case No. 2025CV01794	Affirmed	Unemployment compensation review The M. Conley Company appealed a Stark County Court of Common Pleas judgment affirming the Ohio Unemployment Compensation Review Commission's determination that former truck driver James M. Breckenridge was discharged without just cause and was therefore eligible for unemployment benefits. On December 16, 2024, Breckenridge reported to work but discovered his assigned truck would not start. After unsuccessfully attempting to locate a supervisor, he recorded the problem on a maintenance board, informed a coworker, and went home to await instructions. The company terminated his employment by text message several hours later, citing his unauthorized departure and failure to respond to communications. The company argued that Breckenridge could have obtained assistance with the truck and that his conduct demonstrated disregard for his employer's interests. However, the Commission found that Breckenridge was not a mechanic, was unaware maintenance assistance was available, had no written policy directing his actions, and had made reasonable efforts to report the problem. The Fifth District Court of Appeals concluded that competent, credible evidence supported the Commission's determination that Breckenridge's conduct did not constitute sufficient employee fault to establish just cause for discharge. The court also rejected the company's argument that Breckenridge misrepresented his separation as a layoff on his benefits application, explaining that alleged fraudulent misrepresentation was a separate issue not properly before the court. Finding the Commission's decision was neither unlawful, unreasonable, nor against the manifest weight of the evidence, the appellate court overruled the company's sole assignment of error and affirmed the trial court's judgment.	Baldwin	10/23/2026
Shakh v. Shakh	2026 CA 0046	Appeal from the **Richland County** Court of Common Pleas, Domesitc Relations Division, Case No. 2022 DIV 0757	Affirmed	Contempt; Failure to timely appeal; Refusal to testify Plaintiff-Appellant Julia Shakh appealed several judgments of the Richland County Court of Common Pleas, Domestic Relations Division, finding her in contempt for failing to pay guardian ad litem (GAL) fees in her pending divorce case. After Shakh failed to appear at a September 2025 contempt hearing, the trial court sentenced her to 30 days in jail and imposed a $250 fine, allowing her to avoid the sanctions by paying the outstanding GAL fees, later corrected to $2,500. Following an April 2026 review hearing, the court determined that Shakh had the financial ability to pay, citing evidence that her bank account contained more than $12,000 in January 2026, and ordered her to report to jail if she failed to satisfy the obligation. On appeal, Shakh raised six assignments of error, alleging violations of due process, improper reinstatement of the contempt finding, insufficient evidence of her ability to pay, unconstitutional imprisonment for debt, improper enforcement of disputed fees, and violations of her Fifth Amendment rights and right to counsel. The Fifth District Court of Appeals rejected her first, second, fourth, and fifth assignments of error because she failed to timely appeal the underlying judgments. The court also found sufficient evidence supporting her ability to pay and explained that, in a civil contempt proceeding, the Fifth Amendment permits a witness to refuse to answer potentially incriminating questions but does not provide an absolute right to refuse to testify. Because Shakh failed to provide a transcript of the April 2026 hearing, the appellate court was required to presume the regularity of the trial court proceedings. Accordingly, the appellate court overruled all six assignments of error and affirmed the trial court's judgment.	Montgomery	10/26/2026
Cheek v. Canton Bd. of Zoning Appeals	2026CA00070	Appeal from the **Stark County** Court of Common Pleas, Case No. 2024CV02374	Affirmed	Trial court correctly affirmed decision by the City of Canton Bd. of Zoning Appeals upholding a citation for operating and Airbnb in an R-1b Single family Residential District. Plaintiff-Appellant Michael E. Cheek appealed the Stark County Common Pleas Court's decision affirming the Canton Board of Zoning Appeals' (CBZA) determination that his use of a residential property as an Airbnb violated the City of Canton's zoning ordinances. Cheek purchased a home in Montabella Estates, a development zoned R-1b for single-family residential use, where short-term rentals classified as "limited lodging" are prohibited. After receiving a zoning citation in August 2024, Cheek challenged the violation, arguing that his property qualified as a dwelling unit under the city's ordinances because he lived there and permitted authorized guests to stay. He further contended that the CBZA's decision relied on speculative concerns and neighborhood opposition rather than substantial evidence. However, testimony established that Cheek advertised the property on Airbnb, offered guests access to the entire home, and sometimes vacated the residence when renting it. The Fifth District Court of Appeals determined that the property fell within the ordinance's specific definition of limited lodging, regardless of whether it also qualified as a dwelling unit. The appellate court further concluded that the zoning restriction was reasonably related to protecting the character, safety, and welfare of single-family residential neighborhoods and that the CBZA's decision was supported by substantial, reliable, and probative evidence. Finding no legal error in the trial court's ruling, the appellate court overruled Cheek's arguments and affirmed the judgment.	King	10/26/2026

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State v. Bradley	2026-CA-00035	Appeal from the **Licking County** Municipal Court, Case No. 25TRD09950	Affirmed	Manifest weight and sufficiency Defendant-Appellant Gabriel Bradley appealed his conviction and sentence in the Licking County Municipal Court for driving on a sidewalk in violation of Johnstown Codified Ordinance 331.37. Bradley was cited on September 17, 2025, after the semi-truck and trailer he was operating allegedly left the roadway while making a right turn onto Coshocton Street and struck a decorative object on the sidewalk. Following an initial conviction in Johnstown Mayor's Court, Bradley appealed for a trial de novo in the Licking County Municipal Court, where he represented himself and was again found guilty, fined, and ordered to pay court costs. On appeal, Bradley argued that his trailer's rear tires had only briefly crossed the sidewalk during a necessary turning maneuver at a hazardous intersection and that the incident did not constitute a legally recognizable motor vehicle crash because it caused no injuries or significant property damage. He challenged the sufficiency and manifest weight of the evidence and the validity of the traffic citation. However, Bradley failed to provide a transcript of the municipal court trial, preventing the Fifth District Court of Appeals from reviewing the evidence or determining whether his objections had been properly raised. Citing established Ohio precedent requiring appellants to provide an adequate record demonstrating error, the appellate court presumed the regularity of the trial court proceedings, overruled Bradley's sole assignment of error, and affirmed his conviction and sentence.	King	10/26/2026
State v. Carr	2026 CA 0005	Appeal from the **Richland County** Common Pleas Court, Case No. 2024 CR 0683 N	Affirmed	Voluntary manslaughter; Self-defense; Manifest weight The Fifth District Court of Appeals affirmed Bradley Carr's voluntary manslaughter conviction and sentence of eleven to sixteen and one-half years, consecutive to his existing prison sentence, for fatally attacking his cellmate at Mansfield Correctional Institution. Carr argued that the verdict was against the manifest weight of the evidence because the State failed to disprove self-defense, claiming the larger victim punched him while they were locked in their cell. The court concluded that the jury reasonably rejected self-defense because Carr had no fresh injuries and admitted choking the victim, striking his head against a concrete wall, and repeatedly stomping on his head after he stopped attempting to rise. This evidence supported findings that Carr lacked an objectively reasonable belief of imminent danger and used force disproportionate to the perceived threat.	Montgomery	10/27/2026
Drumm v. Lewis	2025 CA 00095	Appeal from the Court of Common Pleas of **Licking County**, Case No. 23CV1205	Affirmed	Sellers of a home were properly found liable for breach of contract and fraud where they did not mention on the standard R.C. 5302.30 residential-property disclosure form that large pools of rainwater would sometimes remain in the home's backyard for more than a week after heavy downpours. Neither an as-is clause in the sales contract nor the buyer-beware doctrine excused the sellers' fraudulent non-disclosure of the flooding issue, given that the problem was not one that the buyers could reasonably be expected to discover through a careful inspection before the sale. The Fifth District Court of Appeals affirmed summary judgment for homebuyers William and Anita Drumm on their breach-of-contract and fraud claims against sellers Michael and Venda Lewis for failing to disclose recurring backyard flooding. The court held that the sellers knowingly misrepresented the property's drainage condition on the required disclosure form and that neither the sale's "as is" clause nor the buyer-beware doctrine shielded them from liability. The flooding was a hidden defect that a reasonable inspection or review of the recorded drainage easement would not have revealed, and the buyers justifiably relied on the sellers' disclosures. The court also upheld $7,605 in compensatory damages for reasonable drainage repairs and an equal amount in punitive damages, finding no abuse of discretion in rejecting additional damages for shed replacement, future repairs, or diminished property value, or in declining to award attorney fees.	Gormley	10/27/2026
State ex rel. Benson v. Johnson	26CA000028	Writ of Mandamus **Guernsey County**	Dismissed	Writ of mandamus The Fifth District Court of Appeals dismissed Relator's complaint for a writ of mandamus seeking to compel court clerks to reclassify his privately filed criminal complaint and affidavit under R.C. 2935.09 and 2935.10 as a criminal case rather than a civil case. Relator argued that Respondents improperly assigned a civil case number to his filing and sought an order requiring them to docket the documents as a criminal matter and remove the existing civil classification. The court determined that R.C. 2935.09 permits private citizens to submit affidavits alleging criminal offenses for review by an appropriate official but does not authorize them to file criminal complaints directly. Furthermore, a clerk's statutory duty to accept such affidavits arises only when the clerk's office is open outside the reviewing official's normal business hours, circumstances Relator failed to allege. The court also found no statutory authority establishing a right to a particular case classification or imposing a duty on clerks to assign criminal case numbers to privately submitted documents. Additionally, Relator had already challenged the classification through a direct appeal of the underlying civil case's dismissal, demonstrating the existence of an adequate remedy at law that independently precluded mandamus relief. Because Relator failed to establish a clear legal right to the requested relief, a corresponding legal duty on Respondents, or the absence of an adequate legal remedy, the court dismissed the mandamus complaint for failure to state a claim upon which relief could be granted.	Baldwin	10/28/2026

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In re J.L.	2026 CA 0007	Appeal from the **Coshocton County** Court of Common Pleas, Juvenile Division, Case No. 20243045	Affirmed	Father's appeal on permanent custody; 12 of 22 months and abandonment. The Fifth District Court of Appeals affirmed the Coshocton County Juvenile Court's decision terminating Father J.L.'s parental rights and granting permanent custody of his child to Coshocton County Job and Family Services (CCJFS). The child was adjudicated dependent in September 2024 and remained in agency custody while Father was incarcerated on drug-related convictions. Father challenged the trial court's findings of abandonment, reasonable reunification efforts, and the child's best interests, as well as the continuation of a no-contact order that prevented visitation. The appellate court determined that clear and convincing evidence supported the permanent custody decision under R.C. 2151.414 because the child had been in agency custody for at least twelve months of a consecutive twenty-two-month period and Father had failed to maintain contact with the child for more than ninety days, establishing a presumption of abandonment. The court rejected Father's argument that incarceration and no-contact orders prevented reunification, emphasizing that these restrictions resulted from his own criminal conduct, including serious domestic violence against Mother in the child's presence. The court further found that CCJFS made reasonable reunification efforts by providing case plans and services, but Father failed to complete case plan objectives or meaningfully pursue reunification following his release from prison. Regarding the child's best interests, the court noted that the child was thriving in a stable foster home, had developed strong bonds with the foster parents, and was living with a half-sibling in a placement where the foster parents wished to adopt. Concluding that the trial court's findings were supported by clear and convincing evidence and were not against the manifest weight of the evidence, the appellate court overruled all four assignments of error and affirmed the judgment granting permanent custody to CCJFS.	King	10/28/2026
State v. Patterson	2025 CA 00032	Appeal from the **Fairfield County** Court of Common Pleas, Case No. 2024 CR 353	Affirmed in Part, Reversed in Part	Felonious assault; Firearm specification; Manifest weight of evidence; Character evidence and admissibility; Jury instructions; Abuse of discretion; Plain error Defendant-Appellant Phillip Patterson appealed his conviction for felonious assault with a one-year firearm specification arising from a July 2024 incident in which he allegedly attempted to run over Brian Decker, a man involved with Patterson's estranged wife, with his pickup truck. Patterson challenged the sufficiency and manifest weight of the evidence, the admission of threatening communications, the trial court's jury instructions, the effectiveness of his trial counsel, and the designation of his underlying prison sentence as mandatory. The Fifth District Court of Appeals found that substantial evidence, including eyewitness testimony, threatening messages, physical evidence, and two loaded firearms recovered from Patterson's truck, supported the convictions. The court also determined that the threatening communications were properly admitted to establish Patterson's motive and intent, the jury instructions did not constitute plain error, and trial counsel's performance was not constitutionally deficient. However, the appellate court agreed with Patterson that the trial court improperly designated his two-year prison term for felonious assault as mandatory. Relying on State v. Logan, 2025-Ohio-1772, and its subsequent decisions in State v. Young, 2026-Ohio-2603, and State v. Milner, 2026-Ohio-2904, the court explained that R.C. 2929.13(F)(8) requires imprisonment for an underlying felony accompanied by a firearm specification but does not require the underlying felony sentence to be mandatory and ineligible for statutory reduction. Accordingly, the appellate court affirmed Patterson's convictions and rejected his first five assignments of error, but reversed the sentencing judgment and remanded the case for further proceedings consistent with its opinion.	Montgomery	10/29/2026