

Court of Appeals of Ohio

Eleventh Appellate District

Diane V. Grendell
Judge

Timothy P. Cannon
Judge

Colleen Mary O'Toole
Judge

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June 12, 2017

RELEASE

ASHTABULA

2016-A-0037

STATE OF OHIO, Plaintiff-Appellee v. JERRY DECOLA, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (RICE) (WRIGHT) CRIMINAL LAW - speedy trial rights; written waiver of speedy trial rights; failure to file a motion to dismiss for lack of speedy trial; failure to withdraw waiver of speedy trial rights; Crim.R. 11(E); misdemeanor case involving a petty offense; effect of a no contest plea; substantial compliance; a trial court complies with Crim.R. 11(E) when it explains the effect of a plea during an arraignment.

2016-A-0046

STATE OF OHIO, Plaintiff-Appellee v. REJEANA MOSS, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (GRENDALL) (CANNON)

CRIMINAL LAW - Felony sentencing; appellate review; R.C. 2953.08(G)(2); endangering children; trial court's consideration of sentencing factors; most serious form of crime; recidivism; burden to affirmatively show that factors were not considered; sentence is not strikingly inconsistent with applicable factors.

2017-A-0015

JAMES A. VICTOR, et al., Plaintiffs-Appellees v. BIG SKY ENERGY, INC., et al., Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [WRIGHT] (GRENDALL) (O'TOOLE)

APPELLATE REVIEW - trial court judgment can only be reviewed on appeal if it constitutes a final order pursuant to R.C. 2505.02 and Civ.R. 54(B); multiple claims or parties remain pending; no mandatory language that there is no just reason for delay; lack of a final and appealable order.

LAKE

2016-L-038 PAMELLA R. ALLEN, Petitioner-Appellee v. MATTHEW D. THOMPSON, Respondent-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (GRENDALL) (WRIGHT)

CIVIL - civil protection order; pro se litigant; failure to file a transcript of the proceedings; App.R. 9; no law in support of argument; App.R. 16(A)(7).

2016-L-067 STATE OF OHIO, Plaintiff-Appellee v. JOSEPH W. ROSE, JR., Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (RICE) (GRENDALL)

CRIMINAL LAW - Crim.R. 32; resentencing hearing; finding of guilt; trial error; sentencing error; remand; nolle prosequi; law of the case; res judicata.

2016-L-100 JULIE SHENDEL, Plaintiff-Appellant v. GARRY R. GRAHAM, II, Defendant-Appellee

Judgment affirmed in part; reversed in part and remanded. See Opinion and Judgment Entry. [WRIGHT] (RICE) (CANNON)

JUVENILE - Visitation; abuse of discretion; R.C. 3109.12(B); parties ordered to share long-distance visitation expenses; self-generated income for child support purposes does not include depreciation expenses and noncash deductions; R.C. 3119.01(C)(9)(b); obligor has burden of proof regarding claimed business expense deductions; trial court's findings as to child care expenses not supported by competent, credible evidence; court's decision ordering parties to alternate child exemption did not include requisite analysis or findings; no abuse of discretion in denying mother's request to change minor's name; 2717.01(B).

2017-L-039 JAMES QUIRK, Plaintiff-Appellee v. JEFFREY QUIRK, et al., Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [CANNON] (RICE) (GRENDALL)

APPELLATE REVIEW - Lack of final appealable order when entry denies motion to remove counsel; no jurisdiction; R.C. 2505.02.

PORTAGE

2016-P-0057 STATE OF OHIO ex rel. BRIAN M. AMES, Relator-Appellant v. PORTAGE COUNTY BOARD OF COMMISSIONERS, et al., Respondents-Appellees.

Judgment affirmed. Grendell, J., concurs in judgment only. See Opinion and Judgment Entry. [CANNON] (GRENDALL) (WRIGHT)

CIVIL - summary judgment; Open Meetings Act; R.C. 121.22; board of commissioners; regular meeting; special meeting; emergency;

notice; executive session; minutes; official action.

2016-P-0079 THOMAS CLEMENTS, Plaintiff-Appellant v. BRIMFIELD TWP POLICE DEPARTMENT, et al., Defendants-Appellees.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (CANNON) (O'TOOLE)

CIVIL - unlawful eviction; conversion; fraudulent misrepresentation; summary judgment affirmed in favor of police department and officers; political subdivision immunity; in scope of duties at time of alleged offenses; no evidence of applicable exception to immunity.

TRUMBULL

2016-T-0057 IN RE: E.M.M.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (GRENDALL) (WRIGHT)

DOMESTIC RELATIONS - request for shared parenting; child custody; magistrate's decision; objection to magistrate's decision; Civ.R. 53(D)(3)(b)(ii); plain error; R.C. 3109.04(A)(1).

2016-T-0069 STATE OF OHIO, Plaintiff-Appellee v. EZARA SHINE, JR., Defendant-Appellant.

Judgment affirmed. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (O'TOOLE)

CRIMINAL LAW - motion to suppress; search and seizure; consensual encounter; consent to search; withdrawal of consent; investigatory stop; probable cause; reasonable suspicion; unprovoked flight; high crime area.

2016-T-0105 STATE OF OHIO, Plaintiff-Appellee v. FELIX O. BROWN, JR., Defendant-Appellant.

Judgment affirmed. O'Toole, J., concurs in judgment only. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (O'TOOLE)

CRIMINAL LAW - failure to give a jury instruction; void judgment; res judicata; the law of the case.