

Ohio case law summaries from Aug. 1, 2025-Nov. 30, 2025

The following are selected summaries of cases decided by Ohio courts between Aug. 1-Nov. 30, 2025. To view all of the decisions issued in this time period or to read the selected cases in their entirety, please visit ohiobar.org/greenbook where you can search by case name or view by date.

Administrative and Regulatory

License revocation/Groom/Cruelty to horse/Definition. Lupton v. Ohio State Racing Comm. | 2025-Ohio-4984 | 10th Appellate District | 10/31/2025 In licensed groom's appeal of trial court's order remanding to the state racing commission its decision suspending groom's license on the basis of evidence of cruelty to a horse, in violation of accepted standards, the trial court erred in failing to set forth a correct definition of cruelty to a horse in its decision where the hearing officer improperly deferred to the judgment of racetrack judges in determining whether appellant's conduct constituted cruelty to a horse and, on remand, ordering the commission to look beyond the statutory meaning of cruelty under R.C. 1717.01(B) to determine a violation of Ohio Adm. Code 3769-2-26(A)(9).

Medical license/Revocation/Hearing/Record. Lake v. State Med. Bd. of Ohio | 2025-Ohio-2842 | 10th Appellate District | 08/12/2025 In physician's administrative appeal of medical board's license revocation, R.C. 4731.22(B) (22), resulting from physician's settlement agreement in another state restricting physician's scope of practice, where physician received proper notice of the opportunity for a hearing, R.C. 119.07, to which she did not respond, thereby waiving her right to present evidence, trial court erred by allowing supplementation of the record with documents not considered by the board and by remanding the case for a hearing, despite physician's waiver, so the case is remanded to the trial court solely to determine

whether the board's order was supported by reliable, probative, and substantial evidence and was in accordance with law; under R.C. 119.12(L), courts are confined to the certified record unless the evidence is newly discovered, which was not the case in the instant matter.

Medical license/Suspension/Standard of review. Klickovich v. State Med. Bd. of Ohio | 2025-Ohio-2783 | 10th Appellate District | 08/07/2025 After medical board issued an order suspending physician's license for 60 days and related discipline based on evidence that physician engaged in a sexual relationship with patient, in violation of R.C. 4731.22(B)(6) and Ohio Adm. Code 4731-26-02, trial court's order vacating the board's order on reasoning that that the board failed to expressly find "exploitation" of the licensee physician-patient relationship, as defined in Ohio Adm. Code 4731-26-01(H), is reversed on the basis that a finding of "sexual misconduct" inherently includes a finding of exploitation and that no separate, explicit finding was necessary; under R.C. 119.12, the trial court was required to determine whether the board's order was supported by reliable, probative, and substantial evidence and was in accordance with law, and because the trial court failed to conduct this review, the appellate court reversed and remanded the case with instructions to perform the appropriate statutory review.

Credit card debt/Breach of contract/Arbitration. Petroff v. HDV Cleveland, L.L.C. | 2025-Ohio-4672 | 8th Appellate District | 10/09/2025 In bar patron credit cardmember's

breach of contract and negligence action against financial services company and related defendants, alleging that he was entitled to reversal of charges on his credit card when his credit card was stolen and used after he lost consciousness at bar, trial court's order denying company's motion to compel arbitration is reversed where the mandatory arbitration clause in the claims resolution section of the cardmember agreement governed and was not ambiguous and cardmember did not qualify for the nonmandatory arbitration provision of the agreement because he was not covered under the Military Lending Act.

Guaranty enforcement/Waiver of defenses/Disclosure of risk information. Huntington Natl. Bank v. Schneider | 2025-Ohio-2920 | Supreme Court of Ohio | 08/20/2025 In bank's breach of guaranty action against guarantor in which guarantor asserted fraudulent inducement as a defense, alleging that bank failed to disclose information about borrowers' financial condition that would increase guarantor's risk, court of appeals' judgment in favor of guarantor is reversed and trial court's summary judgment in favor of bank is reinstated where the guaranty agreement provided for guarantor's waiver of known defenses, and under contract law, parties engaging in an arm's-length transaction—without affirmatively establishing a relationship of special trust or confidence between the parties—do not owe one another a duty to disclose facts unknown to the other party that materially increase risk to the other party; Ohio

does not adopt the Restatement (First) of Security's view that a lender is required to disclose facts that materially increase risk to a surety that are not known to the surety at the time an obligation is incurred, and there is a dissenting opinion.

Construction

Lien/Foreclosure/Affidavit. Grider v. Schaaf | [2025-Ohio-4723](#) | 11th Appellate District | [10/14/2025](#)

In plaintiff-judgment lien holder's foreclosure action against defendant-property owner, seeking to satisfy a mechanic's lien obtained on the assertion of defendant's failure to pay for repair work to property, R.C. 1311.06 and 1311.011 et seq., trial court's order of foreclosure is reversed where plaintiff's lien affidavits contained acknowledgment of execution of the instrument, rather than a notarial jurat made under oath, R.C. 147.542, and although the language of the affidavit indicated that plaintiff had been duly sworn before making a declaration, the affidavit was technically deficient.

Contract/Breach/Arbitration/ Fraudulent inducement. Snyder v. Old World Classics, L.L.C. | [2025-Ohio-3188](#) | 9th Appellate District | [09/08/2025](#)

In homeowners' breach of contract and related claims action against contractor, alleging that construction on home was incomplete and was in an unworkmanlike state, trial court's order granting defendant's motion to stay and compel arbitration is reversed where a trial was necessary under R.C. 2711.03(B) because homeowners sufficiently challenged the validity or enforceability of the arbitration provision, and the question remains whether contractor fraudulently induced homeowners into agreeing to the arbitration clause of the construction contract.

Contract breach/Consumer claim/ Individual liability. Sumner v. Roofing Co. | [2025-Ohio-3006](#) |

[2nd Appellate District](#) | [08/22/2025](#)

In plaintiff-homeowner's breach of contract and consumer action against defendants-roofing company and its president for, inter alia, failure to perform in a workmanlike manner, the trial court erred in granting individual defendant's motion to dismiss where defendant visited plaintiff's property and prepared the estimate for the job, he examined the workmanship and offered to remediate deficiencies at no cost, and he was not required to actually participate in the construction work to be liable under the Consumer Sales Practices Act pursuant to R.C. Ch. 1345.

Consumer

Consumer Sales Practices Act/ Pecuniary loss/Defamation.

Ostigny v. France | [2025-Ohio-4885](#) | 1st Appellate District | [10/24/2025](#) In house painters' defamation action against homeowner, alleging that she made negative statements about quality of their work in an online review, prompting homeowner to file a counterclaim, alleging violation of the Consumer Sales Practices Act (CSPA), trial court's order awarding damages to homeowner is reversed where, although painters were found to have violated the CSPA, R.C. 1345.23(B), by failing to include cancellation notices in the parties' contract, homeowner was only entitled to actual economic damages resulting from the specific violation, and homeowner failed to show any pecuniary loss stemming from the missing notices; as well, dismissal of plaintiffs' defamation complaint is affirmed as a discovery sanction, Civ.R. 37(B).

Contracts

Breach/Arbitration/Evidence.

JTC Solutions, L.L.C. v. New Age Consulting Serv., Inc. | [2025-Ohio-5045](#) | 8th Appellate District | [11/06/2025](#) In plaintiff-sales business' action against defendant-joint venture partner alleging

breach of contract for unilaterally terminating the parties' joint venture and for failing to make payments under agreement, the trial court erred in denying defendant's motion to stay the proceedings and compel arbitration where R.C. 1335.11(F)(3) was not implicated to render the arbitration provision void because the arbitration provision did not limit plaintiff's ability to initiate in-state litigation or arbitration, and the question remains whether sufficient evidence was presented to support defendant's motion to compel arbitration.

Employment/Arbitration/Awards/ Motion to vacate. Nemec v. Morledge | [2025-Ohio-4752](#) | 8th Appellate District | [10/16/2025](#)

In plaintiff-physician's action against defendants-partner and medical practice, alleging breach of employment contract and related claims where the parties' dispute was subject contract's arbitration provision and arbitrator's offsetting awards resulted in an order for plaintiff to make payment to defendants, challenged by plaintiff in a motion to vacate the arbitration award, trial court's reduction of the arbitration award to judgment in a special statutory proceeding is reversed since the court had previously issued orders confirming the arbitration award—without addressing the merits of plaintiff's motion to vacate—and denying plaintiff's motion for an order staying the proceedings, triggering plaintiff's filing of notice of appeal, so the trial court retained jurisdiction only to act in aid of the appeal, and because the court lacked jurisdiction to issue the order reducing the arbitration award to judgment, the order is void, and the case is remanded to address the merits of plaintiff's motion to vacate the arbitrator's award.

Contracts (Continued)

Breach/Arbitration/Hearing.

Bartile Recovery Solutions, L.L.C. v. Cleavenger | 2025-Ohio-4589 | 8th Appellate District | 10/02/2025

In plaintiff-debt recovery business' breach of contract action against defendant-vehicle purchaser, who raised counterclaims against defendants-third-party credit companies, trial court's denial of third-party defendants' motion to compel arbitration without a hearing is reversed where, although neither party requested a hearing, a hearing was warranted because there were conflicting facts raised by the parties' affidavits of fact, and facts presented by affidavit were insufficient to allow a ruling on the motion to compel arbitration, R.C. 2711.03.

Breach/Distributions/Ownership

transfer. Cambridge Health Leasing, L.L.C. v. Embassy

Cambridge, L.L.C. | 2025-Ohio-3278 | 8th Appellate District |

09/11/2025 In dispute between parties to an operations transfer agreement in which plaintiff-nursing facilities operator filed breach of contract and related claims action against defendant-new operator, asserting ownership of funds from distributions to facilities following the transfer of operations from plaintiff to defendant, summary judgment in favor of plaintiff on its claims for ownership of pandemic-related program funds and various pre-effective date reimbursements under the agreement's clear and unambiguous terms is affirmed; however, award of punitive damages is reversed where there is no viable conversion claim under *Landskroner v. Landskroner*, 2003-Ohio-5077, and the jury's verdict for civil conspiracy against individual defendants is also vacated on reasoning that the claim failed as a matter of law due to the absence of an independent tort.

Misappropriation of trade secrets/ Arbitration/Conscionability/ Dissent.

LeafFilter N., L.L.C. v. Dunphy | 2025-Ohio-3260 | 9th Appellate District | 09/10/2025

In plaintiff-employer's action against defendants-former employee and new employer alleging, inter alia, misappropriation of trade secrets, where magistrate denied defendants' motion to compel arbitration, in which defendants argued that the discretionary language in the arbitration provision giving plaintiff the option to litigate all employment-related claims was unconscionable and should be severed, trial court's order overruling defendants' objections to magistrate's decision and adopting the magistrate's decision is reversed where the trial court did not address the issue of whether the arbitration provision was substantively or procedurally unconscionable; there is a dissenting opinion.

Breach/Settlement offer/Damages mitigation.

Shafer Industrial Servs., Inc. v. A & M Towing & Road Serv., Inc. | 2025-Ohio-3197 | 11th Appellate District | 09/08/2025

In truck owner's breach of contract and replevin action against repair shop for failure to complete repairs on truck, prompting repair shop to counterclaim for breach of contract and unjust enrichment, resulting in judgment for truck owner on its claims and judgment for shop on claims for two of its invoices, the trial court erred in excluding evidence of repair shop's settlement offer, and the judgment is reversed in part regarding the award for truck rental damages, where evidence regarding the offer was admissible under Evid.R. 408 to show notice and to address truck owner's alleged failure to mitigate damages with respect to truck rental, and truck owner's testimony as to knowledge of why repair shop was refusing to repair or return the truck and awareness of its offer to return the truck if the deficiency balance was paid was material to issues before the court.

Breach/Weight of evidence/ Equipment purchased vs. delivered.

MCM Mgt. Corp. v. L&T Equip. Parts, L.L.C. | 2025-Ohio-3108 | 12th Appellate District | 09/02/2025

In plaintiff-scrap recovery business' breach of contract action against defendant-equipment broker arising from plaintiff's purchase of specific used track frames to restore excavator's functionality, relying on photographs provided by defendant, where the equipment delivered to work site was different from the equipment depicted in photographs, judgment in favor of defendant is reversed as being against the weight of evidence, since the evidence established that the photographs were the primary inducement for plaintiff's decision to make the purchase, and defendant failed to deliver what was depicted in the photographs; however, the appellate court affirmed trial court's exclusion of damages testimony under Evid.R. 701, finding that plaintiff's chief financial officer lacked sufficient foundation to offer lay opinions regarding repair cost reasonableness and project cost impact.

Small claims/Breach/UCC/

Warranty. Johnson v. TKP Auto Sales, Inc. | 2025-Ohio-2930 | 11th Appellate District | 08/18/2025

In car buyer's small claims Uniform Commercial Code breach of contract action against dealership, seeking refund of down payment for flawed vehicle, judgment in favor of dealership is reversed where sale of the vehicle included an express warranty, and buyer was entitled to return of the down payment she had made, R.C. 1302.85(A), the warranty was unaffected by any purported breach of buyer's obligations to financing company, and buyer did not forfeit her right to claim a full refund, even though she declined dealership's offer of a partial refund.

Stock repurchase/Agreement/

Application. Longnecker v. Velontra, Inc. | 2025-Ohio-5072 | 1st Appellate District | 11/07/2025

In shareholder's action seeking a declaration that repurchase option did not apply to his shares after business partners attempted to buy back stock following shareholder's removal from the board of directors, summary judgment in favor of shareholder is reversed where the language of the parties' stock restriction agreement was ambiguous and susceptible to more than one interpretation as to how it applied to former directors such as shareholder, and the question remains whether extrinsic evidence would show that the parties intended the repurchase option to apply to shareholder's shares; as well, appeal of trial court's ruling on plaintiff's breach of contract claim is dismissed for lack of a final appealable order since the trial court did not award damages.

Settlement agreement/Liquidated damages/Penalty.

Cerny v. Andrews | 2025-Ohio-2864 | 8th Appellate District | 08/14/2025

In action by plaintiffs-investors, alleging various claims regarding accounting of investment funds, resulting in a settlement agreement that included defendant's execution of a cognovit note—derived from a liquidated-damages provision in the agreement—the trial court erred in granting plaintiffs' motion to enforce the settlement agreement where the agreement provided that the cognovit note was enforceable only upon breach of the agreement by defendants, and the court failed to address whether the cognovit note was unenforceable as an unlawful penalty rather than a liquidated-damages provision.

Search/Warrant requirement. State v. Woods | 2025-Ohio-5344 | 8th Appellate District | 11/26/2025

In a prosecution for third-degree felony having weapons while under disability, with a specification, the court of appeals affirmed the trial court's grant of defendant's motion to suppress a firearm recovered during a warrantless search of his apartment, with the appellate court holding that the state failed to meet its burden of proving the search fell within a recognized exception to the warrant requirement, U.S. Const. Fourth Amendment or the Ohio Const., Art. 1, Sec. 14, on reasoning that the defendant did not give voluntary or implied consent to the officers' entry under the totality-of-the-circumstances standard, with the appellate court rejecting defendant's argument that the search was a protective sweep since the officers were not making an arrest and no articulable facts suggested danger, nor did the plain view doctrine apply; a concurring opinion was also filed.

Domestic violence/Confrontation/Hearsay.

State v. McMillon | 2025-Ohio-5304 | 6th Appellate District | 11/25/2025

Defendant's conviction for domestic violence, R.C. 2919.25(A), (D)(3), is affirmed where the trial court properly admitted the victim's 911 call since the victim's statements were made during an ongoing emergency to obtain police assistance and were therefore nontestimonial, meaning that the Confrontation Clause did not bar their admission, and the statements qualified as hearsay exceptions under Evid.R. 803(1), present sense impression, and Evid.R. 803(2), excited utterance, since the victim described events as they occurred and was under stress from the domestic violence incident; as well, there was corroborating testimony and photographs by police of the victim's injuries, and defendant failed to demonstrate prejudice.

Sentencing/Plea/Motion to withdraw/Advisement.

State v. Lucas | 2025-Ohio-5303 | 6th Appellate District | 11/25/2025

Defendant's conviction of counts of violating a protection order by plea is affirmed where defendant's arguments that his plea was invalid because the trial court failed to orally advise him of his rights under Crim.R. 11(C)(2)(b) and erred in denying his motion to withdraw the plea are without merit since, although the trial court did not use the precise language of Crim.R. 11(B)(1), the dialogue during the plea colloquy and defendant's own admissions demonstrated that he understood the consequences of his plea, satisfying due process requirements; as well, any ambiguity about the court's ability to proceed immediately to sentencing was clarified by defendant's signed plea agreement, which expressly stated sentencing could occur that day.

Evidence/Crim.R. 16(K)/**Confrontation/Evid.R. 611(B)/**

Prosecutorial misconduct. State v. Kitto | 2025-Ohio-5301 | 6th Appellate District | 11/25/2025

In defendant's appeal of convictions for aggravated murder, R.C. 2903.01(C) and (G), and child endangering, R.C. 2919.22(B)(1), (E)(1), and (E)(2)(d), the court of appeals reverses, holding that the trial court misapplied Crim.R. 16(K) by excluding a defense expert despite documented timely service, improperly restricted cross-examination of the state's child-abuse expert in violation of the Sixth Amendment and Evid.R. 611(B), and allowed prosecutorial misconduct in closing argument that mischaracterized a doctor's testimony and misstated the burden of proof, with the court of appeals concluding that the cumulative effect of the trial court's errors deprived defendant of a fair trial, requiring reversal and remand for a new trial.

Sentencing/Community control violations/Consecutive service.

State v. Saunders | 2025-Ohio-5228 | 8th Appellate District | 11/20/2025 In defendant's appeal of his conviction of two counts of election fraud, R.C. 3599.12(A)(2), for voting or attempting to vote more than once in the 2020 election and for voting or attempting to vote more than once in the 2022 election, the court of appeals affirms, holding that although the trial court did not err by imposing six-month jail terms as community control residential sanctions under R.C. 2929.15(A)(1) and 2929.16(A)(2), the trial court erred by ordering the two six-month terms to run consecutively because R.C. 2929.16(A)(2) authorizes no more than six months of aggregate local confinement, Barnhouse, with the appellate court vacating the consecutive-term portion of the sentence and modifying the sanctions to run concurrently.

Habeas corpus/Held without bail/False testimony.

Evans v. McGuffey | 2025-Ohio-5205 | 1st Appellate District | 11/19/2025 Habeas corpus petition filed by relator, who was charged in shooting death of victim and who claimed self-defense, is granted on reasoning that his continued pretrial detention without bail violated due process where the sole fact witness, a detective, falsely testified that no witness reported the victim possessing a gun or acting violently toward others, despite police-interview recordings showing otherwise, and detective's testimony was imputed to the state under the materiality standard in *Napue v. Illinois*, holding that the false testimony could reasonably have affected the trial court's determinations under R.C. 2937.222(B) regarding dangerousness and assuring community safety; with relator having no adequate remedy at law and citing its habeas authority under R.C. 2725.01, the court ordered relator admitted to bail on the prior

terms, with costs taxed under Civ.R. 54(D) and notice under Civ.R. 58(B).

Post-conviction relief/Evidence outside record/Substantive grounds.

State v. Simpson | 2025-Ohio-5240 | 5th Appellate District | 11/19/2025 In defendant's conviction by plea to one felony charge, which was affirmed on appeal, the trial court's denial of defendant's petition for post-conviction relief without a hearing is reversed where, even though defendant's conviction was affirmed on appeal, his claims—alleging that the state refused to provide discovery and conditioned its plea offer on his waiver of that discovery—were supported by evidence outside the trial record, namely an affidavit from trial counsel describing an unrecorded in-chambers discussion, and because the alleged conduct did not appear in the record on appeal, the claims were not barred by res judicata, and applying R.C. 2953.21, defendant submitted sufficient operative facts to establish substantive grounds for relief, including potential violations of Crim.R. 16 and constitutional rights, so the case is remanded for an evidentiary hearing.

Sentencing/Intervention in lieu of conviction/Revocation/Jurisdiction.

State v. Clark | 2025-Ohio-5173 | 3rd Appellate District | 11/17/2025 After defendant was indicted for trafficking in cocaine, and the trial court granted her 2019 motion for intervention in lieu of conviction (ILC), the court of appeals affirms the trial court's 2025 revocation of ILC after the trial court previously extended it in 2023, with the appellate court rejecting defendant's argument that the trial court lacked jurisdiction to extend her ILC without notice, a hearing, or her presence, violating due process and Crim.R. 43(A), with the court of appeals holding that defendant forfeited all but a plain error review because she never objected either at the 2023 ILC continuation or at the 2025 revocation hearing, and the court of appeals, applying

Crim.R. 52(B), found no plain error because the Parole Authority's 2023 report established that defendant had failed to comply with ILC conditions to pay court costs and attorney's fees, and she never disputed that violation, with the appellate court holding R.C. 2951.041(F) provided the trial court with the authority to continue ILC for non-compliance without being required to terminate or sanction defendant.

Expungement/Sealing/Statutory factors.

State v. N.S. | 2025-Ohio-5166 | 1st Appellate District | 11/14/2025 Following defendant's theft conviction, trial court's denial of defendant's applications for record sealing and for expungement is reversed where the court granted only defendant's record sealing application, despite finding that defendant satisfied all the statutory factors for both expungement and sealing under R.C. 2953.32(C)(1), which requires a court to evaluate eligibility, rehabilitation, prosecutorial objections, balancing the applicant's interests and the government's need to maintain records, and the trial court expressly found that defendant met those requirements—she had no new charges, maintained sobriety, paid fines, was employed as a counselor, and the victim expressed no objection—yet the court failed to address expungement in its entries; because R.C. 2953.32(D)(2)(a) mandates that an application “shall” be granted once all statutory criteria are satisfied, and because the state provided no specific need to maintain defendant's records beyond generalized references to seriousness, denial of expungement lacked any reasoned basis, so the case is remanded with instructions to grant expungement.

Domestic violence/Self-defense/Reasonable grounds/Weight of evidence. State v. Krupp | 2025-Ohio-5162 | 2nd Appellate District | 11/14/2025 In defendant's appeal of a conviction of domestic violence, R.C. 2919.25(A), the court of appeals

reverses after concluding that the trial court lost its way in rejecting the defendant's claim of self-defense, with the appellate court holding that although the state presented sufficient evidence of the elements of domestic violence, it failed to meet its burden under R.C. 2901.05(B)(1) to disprove self-defense beyond a reasonable doubt since the undisputed testimony showed that defendant was attempting to restrain his five year-old daughter so she could be properly secured in a booster seat, with the child's mother initiating physical contact by grabbing defendant before he pushed her away, and thus he was not at fault in creating the altercation, had reasonable grounds to believe force was necessary to protect himself from her continued physical contact, and used only non-deadly, proportionate force, and thus the conviction was against the weight of evidence; conviction reversed and cause remanded for a new trial.

Self-incrimination/Miranda warning/Harmless error/Sufficiency and weight of evidence. State v. Roberts | 2025-Ohio-5120 | Supreme Court of Ohio | 11/14/2025 Defendant's convictions for aggravated murder and aggravated robbery are reinstated as meeting sufficiency/weight of evidence standards where the court of appeals erred in concluding that the trial court's admission of defendant's post-custody statements without a Miranda warning and certain other-acts testimony under Evid.R. 404(B) was not harmless error since, once that evidence is excised under Crim.R. 52(A), overwhelming remaining evidence independently established guilt beyond a reasonable doubt, including defendant's possession of the victim's car, wallet, keys, credit cards, and grocery receipt, as well as defendant's inconsistent and shifting explanations, his proximity to the crime scene shortly before the homicide, physical evidence of a violent struggle, and a detailed timeline corroborated through

receipts and video surveillance, which all overwhelmingly proved guilt, so any Miranda-related or Evid.R. 404(B) error was harmless.

Plea/Advisement/Post-release control. State v. Jenkins | 2025-Ohio-5146 | 8th Appellate District | 11/13/2025 Defendant's conviction by plea to first-degree felony drug trafficking is vacated, and the case is remanded because defendant's guilty plea was not knowingly, intelligently, and voluntarily entered where the trial court failed to advise defendant during the plea colloquy that his offense carried a mandatory period of post-release control, a required component of the "maximum penalty involved" under Crim.R. 11(C)(2)(a).

Sentencing/Post-release control/Trial court failure to inform defendant. State v. Massimiani | 2025-Ohio-5137 | 8th Appellate District | 11/13/2025 In defendant's conviction by a guilty plea to, inter alia, two counts of domestic violence, R.C. 2919.25(A), with defendant appealing the imposition of post-release control (PRC), the court of appeals reversed and remanded for resentencing, holding that the trial court failed to properly impose PRC as required under R.C. 2929.19(B)(2) by failing to inform defendant of the consequences of violating PRC, a mandatory component of the sentencing advisements under the statute since, although the sentencing entry included language describing violation consequences, the trial court's omission at the hearing of that information rendered the PRC portion of the sentence contrary to law, requiring a remand for a limited resentencing hearing for the trial court to provide a proper PRC notification.

Indictment/Dismissal/Venue/Appeal. State v. Musarra | 2025-Ohio-5058 | Supreme Court of Ohio | 11/12/2025 In prosecution of defendant for alleged sex offenses, trial court's decision terminating prosecution based on insufficient

evidence of venue is a dismissal of the indictment, rather than a true judgment of acquittal under Crim.R. 29(A), the court of appeals' dismissal of the state's appeal is reversed because venue-based terminations do not determine culpability and therefore do not constitute unappealable "final verdicts," and the state has an appeal as of right under R.C. 2945.67(A) overruling *State v. Hampton*, 2012-Ohio-5688; appeal of related case is unnecessary, and the court of appeals' dismissal is affirmed.

Transcript/In camera hearing/Separate case/Restricted access. State v. Blair | 2025-Ohio-5199 | 4th Appellate District | 11/12/2025 In prosecution of alleged engagement in a pattern of corrupt activity, trial court's order requiring the state to provide counsel a redacted transcript of a Crim.R. 16(F) in camera hearing in a different, separate criminal case is reversed where, under the Ohio Rules of Superintendence, court records are generally presumed open to public access, Sup.R. 45(A), but "case documents" exclude materials exempt from disclosure under state law or those restricted by prior court order, Sup.R. 44(C)(2)(a), (c), and in the instant case the hearing judge had already restricted public access to the transcript pursuant to Sup.R. 45(E), finding clear and convincing evidence that the presumption of openness was outweighed by higher interests; as well, while Sup.R. 45(F) permits a court to later allow public access if circumstances change, requester did not seek relief under that provision, the trial court did not make the required findings, and no authority exists for a trial court to bypass Sup.R. 45(F) and order the prosecuting attorney to provide a personal redacted transcript to a third party.

Criminal (Continued)

Parole hearings/Prohibition/ Sentencing entry/Res judicata.

State ex rel. Norris v. Adult Parole Auth. | 2025-Ohio-5011 | Supreme Court of Ohio | 11/06/2025

In inmate's petition for a writ of prohibition to prevent the adult parole authority from conducting parole hearings and instead contact the committing court immediately, summary judgment in favor of parole authority is affirmed on the basis of res judicata since inmate had repeatedly litigated the same issue—that the sentencing entry issued in his criminal case was not signed by the judge who tried the case, rendering the entry invalid—and res judicata applies to bar claims that were or could have been raised previously; as well, inmate's motion to supplement the record under S.Ct.Prac.R. 15.08 is denied where the materials were not part of the lower-court record.

Breaking and entering/Sufficiency and weight of evidence/

Accomplice testimony. State v. Vogel song | 2025-Ohio-5107 | 5th Appellate District | 11/06/2025

Defendant's conviction of breaking and entering, R.C. 2911.13(A), is affirmed as meeting sufficiency/weight of evidence standards where the state presented evidence that included trail-camera photographs showing defendant fleeing the property, corroborated testimony from another witness confirming accomplice's account, and consistent statements by investigating officers; as well, defendant's argument that her conviction relied solely on testimony of accomplice who was not prosecuted is without merit in light of the additional evidence, and the jury could reasonably conclude that defendant participated in the burglary and that no manifest miscarriage of justice occurred.

Restitution/Marsy's Law/Victim's right to be heard.

State v. Mallory | 2025-Ohio-5064 | 2nd Appellate District | 11/06/2025 In defendant's appeal of his conviction by a guilty plea to failure to comply, R.C. 2921.331(B), in exchange for dismissal of a grand theft charge, the court of appeals reversed the trial court's acceptance of a plea agreement, with the appellate court finding a violation of the victim's rights under Marsy's Law, Ohio Const. Art. I, Sec.10a, since the victim was present at the plea hearing, but the trial court did not permit him to speak about restitution for his stolen and damaged vehicle, and pursuant to R.C. 2930.09(A)-(B) and 2930.19(A) (1), a victim has the right to be heard in any proceeding involving a plea, sentencing, or restitution determination; cause remanded for a new plea hearing to provide the victim an opportunity to be heard.

Habeas corpus/Release/Appeal.

Maurent v. Spatny | 2025-Ohio-5002 | Supreme Court of Ohio | 11/05/2025 After prisoner filed a motion for a writ of habeas corpus, R.C. 2725.01, arguing that prison officials miscalculated his sentence and unlawfully detained him beyond his maximum term, where trial court granted the writ and ordered his immediate release, prompting the warden to appeal, court of appeals' dismissal of appeal on reasoning that it was moot because the prisoner had been released is reversed since warden's appeal was not moot because a reversal by the court of appeals of the trial court's ruling would permit prisoner's return to custody to serve the remainder of his sentence, meaning that effective relief could still be granted, so the case is remanded for further review by the court of appeals.

Sentencing/Vacated/Resentencing/ Federal court remand/Prohibition/ Mandamus.

State ex rel. Allah-U-Akbar v. Schroeder | 2025-Ohio-5003 | Supreme Court of Ohio | 11/05/2025 After petitioner's aggravated murder conviction, with

death sentence, where he petitioned for a writ of habeas corpus in federal court, which vacated his death sentence unless a new sentencing hearing was held, and the trial court scheduled a resentencing hearing, his petition for writs of prohibition and mandamus to prevent the trial court from holding the resentencing hearing is dismissed since his arguments that the trial court lacked jurisdiction because (1) one death-penalty specification had been repealed, (2) his aggravated-robbery predicate offense had been dismissed, and (3) the verdict form failed to support an aggravated murder conviction, R.C. 2945.75(A) (2), are without merit since petitioner had or has adequate remedies at law through direct appeal of his conviction and any future resentencing under R.C. 2929.05(A); as well, none of the alleged defects—whether in indictment, verdict form, or dismissed charge—deprived the trial court of subject-matter jurisdiction.

Plea/No contest/Advisement/

Allocution. State v. Rosas | 2025-Ohio-5022 | 6th Appellate District | 11/04/2025 Defendant's conviction of failure to confine a vicious dog, R.C. 955.22(C), pursuant to a no contest plea is reversed in part and remanded to the municipal court where that court substantially complied with Crim.R. 11(E) in accepting defendant's plea, despite omitting the statement that a no-contest plea cannot be used in later proceedings, where defendant showed no prejudice, and defendant's claim of ineffective assistance is meritless; however, the court determined that defendant was denied her right to allocution under Crim.R. 32(A)(1) since the judge failed to personally ask if she wished to speak before sentencing, which was not harmless, so the case is remanded for resentencing to allow allocution.

Attempted vandalism/Sentencing/Community control/Firearm restriction. State v. Henry | 2025-Ohio-4975 | 1st Appellate District | 10/31/2025 In defendant's appeal of her conviction by guilty plea to first-degree misdemeanor attempted vandalism, R.C. 2923.02 and 2909.05(B)(1)(b), defendant challenged a community control condition prohibiting her from possessing firearms, arguing it was unrelated to her offense and unreasonably interfered with her employment at a pawn shop, and although the court of appeals held that while R.C. 2929.25(A)(1) allows trial courts broad discretion to impose community control conditions, they must relate to rehabilitation, the offense, and the prevention of future criminality, with the appellate court holding that the firearm restriction was overly broad, lacking a relationship to defendant's vandalism offense, and improperly prevented her from maintaining lawful employment, contrary to R.C. 2929.17(J), Cauthen; remanded for modification of the sentence to permit defendant to work around firearms at her job.

Concealed weapon/Improper handling of a firearm in a motor vehicle/Constitutionality. State v. Stonewall | 2025-Ohio-4974 | 1st Appellate District | 10/31/2025 In defendant's conviction by a no-contest plea for carrying a concealed weapon, R.C. 2923.12(A)(2), and improper handling of a firearm in a motor vehicle, R.C. 2923.16(B), with defendant, who was 19 years-old when arrested, arguing the statutes were unconstitutional as applied by infringing his U.S. Constitution Second Amendment right to bear arms, but the court of appeals, applying the reasoning in the Bruen and Rahimi opinions, held that while the Second Amendment covers defendant's conduct, the restrictions are consistent with the nation's historical tradition of firearm regulation limiting minors' access to weapons and allowed regulation of concealed carry, with the appellate court finding that prohibiting

persons under 21 years-old from carrying concealed weapons or loaded firearms in vehicles reflects that tradition, distinguishing between lawful open carry and regulated concealed or vehicular possession, with the court of appeals concluding that the challenged statutes validly regulate the manner of bearing arms and do not violate the Second Amendment; a dissenting opinion was filed.

Sentencing/Jail-time credit/Hearing/Reagan Tokes Law notifications. State v. Ackerman | 2025-Ohio-4966 | 2nd Appellate District | 10/31/2025 In defendant's conviction following an Alford plea to complicity to felonious assault, the court of appeals holds that the trial court erred by failing to specify at the sentencing hearing defendant's jail-time credit and by denying her an opportunity to be heard on the issue; the court of appeals also found the trial court failed to advise defendant at the sentencing hearing of all the notifications required under the Reagan Tokes Law provision in R.C. 2929.19(B)(2)(c) in connection with its imposition of an indefinite prison term; remanded for a limited resentencing to address jail-time credit and provide all the required statutory notifications.

Building ordinance/Compliance/Community control/Amended. Cleveland v. Sopjack | 2025-Ohio-4952 | 8th Appellate District | 10/30/2025 In conviction of defendant-property owner, for failure to comply with an order of the building department under city ordinance, trial court's order amending defendant's community-control sanctions to require an exterior inspection of her uncited residential property is reversed where defendant had previously been convicted of violating a city ordinance related to a separate, cited property, but community-control conditions must be reasonably related to rehabilitating the offender, to the offense, and to future criminality, and the

community control inspection order that related to uncited property failed all three prongs and was therefore overbroad and an abuse of discretion; the city was not prohibited from inspecting the uncited property through proper channels, but such inspections cannot be imposed as conditions of community control for unrelated offenses.

Firearms/Intoxication/Constitutional challenge. State v. Riffie | 2025-Ohio-4886 | 1st Appellate District | 10/24/2025 Dismissal of charges against defendant for carrying a handgun while intoxicated, in violation of R.C. 2923.15, on reasoning that the statute is unconstitutional under both the U.S. and state constitutions is reversed since the statute is aligned with the nation's historical tradition of firearm regulation, citing colonial and 19th-century laws disarming intoxicated individuals, is consistent with reasoning that temporarily restricting intoxicated individuals' firearm use promotes public safety, and accords with long-standing limits on "dangerous" persons handling arms; as well, the law is reasonable as a valid exercise of police power protecting public welfare, so the case is remanded for further proceedings.

Jury/Juror impartiality/Voir dire/Group answers/Dissent. State v. Rogers | 2025-Ohio-4794 | Supreme Court of Ohio | 10/22/2025 In defendant's conviction of first-degree felony rape of a child and related charges, defendant's claim that his counsel was ineffective for declining to challenge a juror as biased during voir dire is without merit where the juror spoke openly about the difficulty in deciding this type of case, but he agreed numerous times that he not only could, but would, remain fair and impartial and follow the trial court's instructions, and group and individual responses during voir dire reflected their understanding of the presumption of innocence and the reasonable-

Criminal (Continued)

doubt standard, with the court properly considering group answers when determining juror impartiality; there is a dissenting opinion.

Post-release control/Violation/Ankle monitor sanction/

Mandamus. State ex rel. DeVore v. Adult Parole Auth. | 2025-Ohio-4795 | Supreme Court of Ohio | 10/22/2025 Defendant's petition for a writ of mandamus to compel the adult parole authority to remove ankle monitor that had been ordered as a sanction for violating post-release control, and to vacate the sanction, is dismissed as being moot since defendant's monitoring period had ended and the device was removed, and there was no basis to grant additional relief ordering deletion of GPS data, where defendant failed to raise that issue in his initial complaint and first mentioned it in his reply brief; as well, defendant's motion for oral argument is denied because the case presented no complex or novel issues, S.Ct.Prac.R. 17.02(A).

Habeas corpus/Dismissal/Lawful sentence/Cognizable claims.

Gordon v. Smith | 2025-Ohio-4768 | Supreme Court of Ohio | 10/21/2025 Dismissal of inmate's petition for a writ of habeas corpus for failure to state a claim, Civ.R. 12(B)(6), is affirmed where defendant's 18-years-to-life sentence for murder and a firearm specification had not expired, and the common pleas court had subject-matter jurisdiction over felony cases under R.C. 2931.03, so defendant was lawfully confined; as well, defendant's arguments alleging coerced pleas, lack of probable cause, ineffective assistance of counsel, fraud, and actual innocence are without merit as those claims were not cognizable in habeas corpus because they could have been raised on direct appeal or in post-conviction proceedings, R.C. 2725.01.

Search/Warrantless/Vehicle/Inventory search exception. State v. Smith | 2025-Ohio-4806 | 10th Appellate District | 10/21/2025 In defendant's conviction by a plea of no contest to two counts of improperly handling firearms in a motor vehicle, R.C. 2923.16, arising out of the police discovery of firearms in defendant's purse and a bag during an warrantless vehicle inventory search following an impoundment, the court of appeals reverses, holding the trial court erred by denying the motion to suppress, ruling that the inventory-search exception to the Fourth Amendment did not apply because the police department lacked a standardized policy governing the opening of closed containers, Hathman and R.C. 2933.32, with the appellate court also rejecting the state's argument that the search was justified as a search incident to arrest since the officer admitted he had no intent to arrest defendant until after the contraband was found, with the appellate court finding the search unconstitutional and also holding that both the firearms and related evidence were fruit of the poisonous tree under Wong Sun; the trial court's judgment denying motion reversed, and case remanded for further proceedings consistent with the court of appeals' judgment.

Discovery/Oral statements made to law enforcement/Crim.R. 16(B).

State v. Longnecker | 2025-Ohio-4780 | 12th Appellate District | 10/20/2025 In a conviction of aggravated menacing, R.C. 2903.21(A), misconduct at an emergency, R.C. 2917.13(A)(3), and menacing, R.C. 2903.22(A)(1), with defendant arguing on appeal that the trial court erred by admitting a fire inspector's undisclosed testimony of an oral statement defendant made that he would enter his burning home "no matter what," and that the trial court also erred by denying his motion for mistrial, but the court of appeals held that Crim.R. 16(B) does not require disclosure of unrecorded,

unwritten oral statements made to law enforcement unless they are written, recorded, included in a police summary, or favorable to the defendant, and because defendant's statement was never documented or summarized in a report, it was not subject to pretrial disclosure.

Drug offense/Sentencing/Recidivism likelihood. State v. Starcher | 2025-Ohio-4777 | 5th Appellate District | 10/17/2025

Imposition of prison sentence following defendant's plea to aggravated possession of drugs, receiving stolen property, and counterfeiting is affirmed where defendant's argument that the trial court erred in imposing a prison term, claiming the presumption of imprisonment for a third-degree felony under R.C. 2929.13(D)(1) was rebutted and that community control would adequately punish and protect the public under R.C. 2929.13(D)(2) is without merit since the trial court properly considered the purposes and principles of felony sentencing under R.C. 2929.11, and the seriousness and recidivism factors under R.C. 2929.12, taking into account defendant's prior felonies, probation violations, and ongoing criminal behavior, which indicated a high likelihood of recidivism, and the trial court imposed a sentence within the statutory ranges of R.C. 2929.14(A).

Plea/Guilty plea/Crim.R. 11(B)(1) and (C)(2)(b). State v. Molina | 2025-Ohio-4758 | 8th Appellate District | 10/16/2025 In defendant's conviction by plea of guilty to, inter alia, robbery, resulting in concurrent prison sentences for a term of 9 to 13 years, the court of appeals reverses and remands, holding that the trial court completely failed to comply with the mandatory plea requirements of Crim.R. 11(C)(2)(b) that a trial court explain the effect of a guilty or no contest plea that the plea constituted a complete admission of guilt under Crim.R. 11(B)(1), and the trial court failed to establish a factual basis for the plea

since the record did not make it “obvious” that defendant understood the effect of her plea, Crim.R. 11(C)(2)(a), relieving defendant of the burden to show prejudice, Dangler and Cuyler; plea vacated and case remanded for further proceedings consistent with Crim.R. 11(C).

Plea/Validity/Crim.R. 11(C)/Failure to inform of post-release control.

State v. Dotson | 2025-Ohio-4941 | 4th Appellate District | 10/16/2025

In defendant’s conviction by guilty pleas to murder and voluntary manslaughter, with the court of appeals holding that the pleas were not entered knowingly, intelligently, and voluntarily as required under Crim.R. 11(C) because the trial court failed to inform defendant of the mandatory post-release control associated with the voluntary manslaughter conviction, a first-degree felony subject to two to five years of post-release control under R.C. 2929.14(D)(1) and 2967.28(B)(2), and the trial court’s complete failure to advise defendant of post-release control constituted non-compliance with Crim.R. 11(C)(2)(a), invalidating the plea without requiring a prejudice analysis; since defendant’s plea to voluntary manslaughter was part of a larger plea agreement that also included a guilty plea to murder, the court of appeals concluded the entire plea agreement must be vacated, Cleland; convictions vacated and cause remanded for further proceedings.

Double jeopardy/Retrial. State v. Saunders | 2025-Ohio-4741 | 1st Appellate District | 10/15/2025

In defendant’s initial bench trial for criminal trespass, R.C. 2911.21(A)(1), and resisting arrest, R.C. 2921.33(A), the trial judge declared a sua sponte mistrial, believing she had become a witness to an off-the-record discovery dispute after affirming the prosecutor’s version of events, and on retrial, a new judge denied defendant’s motion to dismiss, but on appeal the court of appeals held that jeopardy had

attached once evidence began and that no “manifest necessity” or “high degree of necessity” justified the mistrial under *Arizona v. Washington* and *Widner* since the trial judge’s mistaken belief that she had become a witness was a legal error, not a valid necessity, and also defendant did not consent to the mistrial since her remarks did not amount to an express or implied waiver; defendant is discharged from further prosecution.

Forfeiture/Motion for return/

Mootness. State v. Sancho | 2025-Ohio-4717 | 5th Appellate District | 10/14/2025 In defendant’s conviction following a guilty plea for tampering with evidence, R.C. 2921.12(A)(1), with no forfeiture specification in the indictment, bill of particulars, plea documents, or sentencing entry, and after sentencing, the state objected to defendant’s motion for return of his phone, with the state claiming it was an “instrumentality” of the crime, and the trial court ordered forfeiture under R.C. 2981.13(A), but the court of appeals reversed, holding that neither a criminal forfeiture under R.C. 2981.04 nor a civil forfeiture under R.C. 2981.05 was properly initiated because no specification, complaint, or notice was filed, nor was a finding made; the forfeiture order was vacated, and although the phone had been destroyed, the court of appeals found the appeal not moot because even though the phone had been destroyed, defendant may seek civil remedies such as replevin or conversion.

Failure to comply with order/ Serious physical harm. State v. Fails | 2025-Ohio-4680 | 2nd Appellate District | 10/10/2025

Defendant’s conviction of failure to comply with an order or signal of a police officer, R.C. 2921.331(B), with an enhancement for causing a substantial risk of serious physical harm, R.C. 2921.331(C)(5)(a)(ii), is affirmed in part and reversed in part where there was sufficient evidence to prove the base offense—defendant fled after being ordered

to stop—but there was insufficient evidence to support the “substantial risk” enhancement where, although defendant squealed his tires and sped away, the record showed no collisions, near misses, or quantifiable excessive speed, so the felony conviction was reduced to a first-degree misdemeanor; as well, the court rejected claims of hearsay errors, prosecutorial misconduct, improper jury instructions, and cumulative error, finding any missteps harmless.

Competency/Duration of

treatment. State v. Swanigan | 2025-Ohio-4648 | 1st Appellate District | 10/08/2025 In a robbery prosecution, the trial court’s order requiring defendant to undergo an additional six months of competency-restoration treatment is reversed, and the case is remanded, on reasoning that R.C. 2945.38(C) imposes a cumulative cap on treatment duration rather than restarting the limit after an intervening period of competency, and defendant had already received five months of treatment before being restored to competency, but later decompensated during community control and was again found incompetent; the statute sets a total limit per proceeding, not per finding of incompetency, and R.C. 2945.38(H)(4) requires dismissal once the maximum treatment time “relative to the offense” has expired.

Telecommunications fraud/Grand theft/Felony degrees. State v. Chavers | 2025-Ohio-5042 | 8th Appellate District | 10/06/2025

Defendant’s convictions of telecommunications fraud as a third-degree felony under R.C. 2913.05(A) and two counts of grand theft as fourth-degree felonies under R.C. 2913.02(A)(1) and (A)(3) are reversed where the state had expressly amended the indictment to reduce the theft counts to fifth-degree felonies and agreed that defendant’s share of the total loss made the telecommunications fraud a fourth-degree felony, and because the trial court convicted

defendant of higher-degree offenses than those tried, defendant's due process rights were violated and precedent barring conviction for uncharged offenses was violated.

Plea/Advisement/Confrontation of witnesses. State v. Doucoure | 2025-Ohio-4770 | 4th Appellate District | 10/06/2025 Defendant's conviction by plea to obstructing official business, a fifth-degree felony under R.C. 2921.31(A), is reversed and the case is remanded for further proceedings where defendant's plea was constitutionally invalid because the trial court failed to strictly comply with Crim.R. 11(C)(2)(c) by not advising defendant that, by pleading guilty, he was waiving his right to confront witnesses against him, as guaranteed by the Sixth Amendment and Ohio Const. Art. I, Sec. 10, rendering the plea unknowing and involuntary.

Sex offense/Address change notification/Brief trip. State v. Runion | 2025-Ohio-4619 | 7th Appellate District | 10/03/2025 Defendant's conviction of failure to provide notice of a change of address, R.C. 2950.05(F)(1), a fourth-degree felony, is reversed and vacated as not being supported by sufficient evidence reflected in prosecutor's confession of error, where defendant's conduct in traveling out of state for five days and returning on the sixth did not constitute a violation of R.C. 2950.05(F)(1)(a), requiring sex offenders to notify the sheriff of a "change of address," which applies only to a fixed residence address as defined in R.C. 2950.01(AA)—a permanent, not temporary, address—and 28 C.F.R. 72.6(c)(2) requires offenders to report temporary lodging only if away from their residence for seven or more days, and because defendant's brief trip did not meet that threshold, no notification was legally required.

Prohibition/Motion to suppress/Jurisdiction/Voidable error/Remedy at law. State ex rel. Martre v. Reed | 2025-Ohio-4542 | Supreme Court of Ohio | 10/02/2025 After defendant pleaded no contest to multiple felony sex offenses based on videos seized from his cellphone, dismissal of his petition for a writ of prohibition against judge is affirmed where defendant's argument that his post-sentence motion for return of his cellphone, which judge granted, should have been treated as a suppression motion, R.C. 2981.03(A)(4), which would render his convictions void, is without merit since, even if the judge erred in applying R.C. 2981.03, such error concerned the exercise of jurisdiction, rather than subject-matter jurisdiction itself, with common pleas courts having jurisdiction over felony cases under R.C. 2931.03, and prohibition generally lies only to prevent a court from acting without jurisdiction; as well, defendant had adequate remedies in the ordinary course of law through appeal, so defendant's petition failed to state a claim.

Habeas corpus/Commuted sentence/Jurisdiction/Ex Post Facto Clause. State ex rel. Hawkins v. Frederick | 2025-Ohio-4540 | Supreme Court of Ohio | 10/02/2025 Dismissal of defendant's petition for a writ of habeas corpus challenging his commuted sentence is affirmed where defendant, originally sentenced to death for aggravated murder, had his sentence commuted by the governor to life without parole under the executive clemency power, Ohio Const. Art. III, Sec.11, and defendant's argument that his commuted sentence was void because life without parole was not statutorily authorized at the time of his offenses and violated the federal Ex Post Facto Clause is without merit since habeas relief under R.C. 2725.01 is available only when the maximum sentence has expired or the trial court patently lacked jurisdiction, neither of which

applied since defendant's maximum sentence—life imprisonment—had not expired and the trial court had jurisdiction; commutation substitutes a lesser punishment and does not create a new judgment subject to appeal or jurisdictional challenge, R.C. 2967.01(C), and the federal Ex Post Facto Clause does not apply to a governor's commutation, which reduced rather than increased punishment.

Dangerous dog/Attempt/Sentence. Parma v. Wojas | 2025-Ohio-4586 | 8th Appellate District | 10/02/2025 Municipal court's order requiring removal or destruction of defendant's dog after he entered a no contest plea to an amended charge of attempted dangerous dog under city ordinances, trial court's imposition of a suspended jail sentence, probation, fine, and order that the dog be removed or destroyed is vacated where the sentence was contrary to law because neither the dangerous dog ordinance nor the attempt ordinance expressly contemplated "attempted dangerous dog" as an offense subject to the ordinance's penalties; when attempt provisions are absent from a substantive ordinance, the attempt is a separate offense governed by the general sentencing provisions for misdemeanors, and ambiguities in defining offenses or penalties must be strictly construed against the municipality and liberally in favor of the accused.

Sentencing/Vindictive sentence/Due process/Hearing/Crim.R. 11(B)(2). State v. Montgomery | 2025-Ohio-4617 | 5th Appellate District | 09/30/2025 In defendant's appeal of the trial court's imposition of a three-day jail sentence in a conviction by plea of no contest to aggravated menacing, R.C. 2903.21, the court of appeals reversed and remanded for resentencing, finding the trial court imposed a vindictive sentence after defendant's successful prior appeal in which the court of appeals vacated the conviction for lack of an

explanation-of-circumstances hearing under Crim.R. 11(B)(2), and the same trial judge on remand imposed a 30-day sentence, with the appellate court holding that when the same trial judge increases a sentence after a successful appeal by defendant, a presumption of vindictiveness arises, even though the trial judge heard new details of the offense that defendant pointed and fired a gun at the victim and observed his disrespectful behavior during the trial court proceedings, and since the judge failed to make affirmative findings on the record justifying the harsher sentence as required to rebut the presumption, the appellate court found a due process violation and remanded for resentencing.

Speedy-trial/Time calculation.

State v. Dearth | 2025-Ohio-4695 | 4th Appellate District | 09/29/2025 In a prosecution for assault, R.C. 2903.13(A), and a subsequent charge for domestic violence, R.C. 2919.25(A), both arising from the same incident, with the state initially filing the assault charge on October 5, 2023, and later filed the domestic violence charge on February 9, 2024, with the trial court finding that both offenses were first-degree misdemeanors subject to the 90-day limitation under R.C. 2945.71(B)(2), that the state knew of all necessary facts at the time of the initial charge, and that the speedy-trial period began on October 5, 2023, rendering the February 9, 2024 domestic violence charge untimely, but the appellate court reversed, holding that the trial court erred by failing to consider potential statutory tolling events (e.g., defendant's potential discovery motions and requests for continuances for all related charges) under R.C. 2945.72, that could extend the time for filing, Blackburn; cause remanded for recalculation of the speedy trial period.

Habeas corpus/Procedural errors/ Remedies at law. Goodykoontz v. Harris | 2025-Ohio-4511 | 12th Appellate District | 09/29/2025 Dismissal of defendant's habeas corpus petition challenging his convictions for multiple child-exploitation offenses is affirmed where the petition was fatally defective because defendant failed to attach the required commitment papers, R.C. 2725.04(D), although defendant attached a docket statement, that did not satisfy the statutory requirement since courts speak only through journal entries, and there were deficiencies under R.C. 2969.25(C) regarding defendant's inmate account statement; as well, defendant's substantive claims—ranging from sufficiency of evidence and ineffective assistance of counsel to immunity and due process—were not cognizable in habeas corpus because defendant had adequate remedies at law through direct appeal or post-conviction relief, and habeas corpus is not a substitute for such review.

Sentencing/Community control/ Advisement/Consecutive sentences. State v. Adkins | 2025-Ohio-4526 | 11th Appellate District | 09/29/2025 Imposition of consecutive sentences following revocation of defendant's community control after defendant entered a plea to aggravated possession of drugs, R.C. 2925.11(A), (C)(1)(b), a third-degree felony, and carrying a concealed weapon, R.C. 2923.12, a fourth-degree felony, is reversed where, at the initial sentencing, the trial court suspended prison terms and imposed community control but failed to notify defendant, as required by R.C. 2929.19(B) (4), that his prison terms could be imposed consecutively if he violated community control, and under R.C. 2929.41(A)'s presumption of concurrent sentences, the consecutive sentences were contrary to law, so the case is remanded with instructions to modify the sentence to concurrent terms.

Criminal trespass/Sufficiency of evidence/Suspension from buildings. State v. Hodge | 2025-Ohio-4478 | 1st Appellate District | 09/26/2025 Defendant's conviction of criminal trespass, R.C. 2911.21(A) (1), is reversed for lack of sufficient evidence that she knowingly remained on library property without privilege where defendant's 30-day suspension from all library branches had expired by the time of the alleged trespass, although a library employee believed defendant was still suspended, but the employee lacked personal knowledge and did not present a valid notice of extended suspension; as well, the state's argument that defendant's library privilege was revoked when asked to leave was meritless since such revocation must be based on a reasonable and legitimate basis, especially on public property, and the library failed to follow its own procedures for notice and privilege revocation.

Child endangerment/Recklessness/ Sufficiency of evidence. State v. Knighten | 2025-Ohio-4495 | 6th Appellate District | 09/26/2025 Defendant's convictions of two counts of first-degree misdemeanor child endangerment, R.C. 2919.22(A), are reversed, and the case is remanded for a new trial where the city had alleged that defendant recklessly created a substantial risk to her two young children by allowing them to wander unsupervised outside in cold weather, but the evidence did not support a finding of recklessness as opposed to mere negligence where, although the children were young and temporarily unsupervised, there was no evidence of proximity to traffic, strangers, or other inherently dangerous conditions that would establish a "strong possibility" of harm as required by R.C. 2901.01(A) (8), so defendant's convictions rested on speculative dangers rather than proof of substantial risk.

Sentencing/Prison/Community control/Stacking. State v. Mynatt | 2025-Ohio-4474 | 8th Appellate District | 09/25/2025 In defendant's convictions by pleas to attempted domestic violence, failure to stop after an accident, and failure to comply with a police signal in three separate cases, the trial court erred in imposing community control in the domestic violence case and consecutive three-year prison terms in the other two cases, ordering the community control sanctions to begin only after completion of the six-year prison term, since a trial court lacks authority to impose community control sanctions consecutively to a prison term, absent a statutory exception under R.C. 2929.41, none of which applied here, so applying R.C. 2953.08(G) (2), the court found the sentence contrary to law, vacated the community control portion and remanded for resentencing, while affirming the remaining sentences.

Suppression/Affidavit/Probable cause. State v. Tolbert | 2025-Ohio-4469 | 8th Appellate District | 09/25/2025 In a homicide investigation in which detective obtained a search warrant for defendant's residence and retrieved evidence, including a firearm, the trial court erred in granting defendant's motion to suppress where the record reflects that the court did not rule on whether the affidavit for the search warrant contained false or misleading statements, omissions, or significant undisclosed inferences, which included information from the use of facial-recognition technology, since suppression requires a finding that the affiant knowingly or recklessly included falsehoods essential to probable cause, and the court never determined whether the detective's statements met that standard, or whether the affidavit, excising any falsehoods, still established probable cause; because these findings were necessary under Crim.R. 41(C) and Fourth

Amendment standards, the trial court's judgment is reversed and the case is remanded.

Criminal damaging/Sentencing/Restitution/Objection/Hearing. State v. White | 2025-Ohio-4449 | 1st Appellate District | 09/24/2025 After defendant's conviction by plea to second-degree criminal damaging under R.C. 2909.06 for damaging property at his former employer's place of business, trial court's imposition of a restitution order that included an amount for drywall repair, despite defendant's objection to that portion of the sentence, was error, and trial court's order is reversed and remanded where, under R.C. 2929.28(A)(1), when a defendant disputes restitution, the trial court must hold an evidentiary hearing supported by competent, credible evidence to establish the victim's economic loss with reasonable certainty, and although the trial court questioned the manager during sentencing, no testimony under oath or documentation was admitted, depriving defendant of the opportunity to cross-examine or meaningfully challenge the claimed costs.

Reopening appeal/App.R. 26/Ineffective assistance/Arguments. State v. Clark | 2025-Ohio-4410 | Supreme Court of Ohio | 09/24/2025 In a case in which defendant was convicted by plea to sex offenses after which the trial court granted defendant's motion to represent himself but later granted his motion for appointment of counsel prior to sentencing, which defendant appealed, resulting in reversal and remand on the issue of trial court's handling of waiver of counsel, and the appellate court imposed the same sentence, which defendant again unsuccessfully appealed, defendant's application to reopen his appeal, asserting ineffective assistance of counsel is denied since defendant did not separately argue how prior appellate counsel's performance was deficient or how he was

prejudiced, as required under the mandatory provisions of App.R. 26(B)(7)–(9) as well as the Strickland v. Washington, 466 U.S. 668 (1984), two-prong test; defendant's assertion of new assignments of error, contending that reversible error alone created a presumption of ineffective assistance, is without merit since an appellant must explicitly demonstrate both deficiency and prejudice.

Suppression/Post-release control/Reasonable grounds/Tip/Reliability/Timeliness. State v. Jenkins | 2025-Ohio-4447 | 1st Appellate District | 09/24/2025 Trial court's order granting defendant's motion to suppress evidence of a firearm and drugs found in his bag during a meeting with his parole officer is reversed where argument by defendant, on post-release control (PRC) following a gun-related conviction, that the search was unconstitutional because the parole officer relied on a five-month-old tip from defendant's girlfriend that he carried a bag with a gun, making the information stale, is without merit since parole officers may conduct warrantless searches under R.C. 2967.131(C)(1)(a) if they have "reasonable grounds" to believe an offender is violating PRC conditions, a standard less than probable cause, and the tip was reliable because it came from an identified citizen informant, was specific about the bag and the gun, and remained credible since parole officer first observed defendant with a similar bag at an earlier meeting; applying the totality-of-the-circumstances test, the tip had sufficient indicia of reliability and was not stale, even after five months.

Sentencing/Community control/Revocation/Prison sentence. State v. Mosier | 2025-Ohio-4417 | 11th Appellate District | 09/22/2025 Revocation of defendant's community control and imposition of a sentence of five to seven and a half years in prison for burglary, R.C. 2911.12(A)(1), and 90 days in jail for

obstructing official business, R.C. 2921.31, are reversed on reasoning that defendant's due process rights were violated because the trial court failed to conduct both a preliminary probable cause hearing and a separate final evidentiary hearing, as required by Crim.R. 32.3(A) and constitutional due process standards, and the appellate court emphasized that community control revocation proceedings must provide written notice of alleged violations, disclosure of evidence, an opportunity to present evidence and cross-examine witnesses, and a neutral hearing body, so the case is remanded for proper proceedings.

Nonsupport/Sentencing/Marsy's Law. State v. Russell | 2025-Ohio-4424 | 11th Appellate District | 09/22/2025 Following defendant's conviction of felony nonsupport of dependents, R.C. 2919.21, the trial court's imposition of sentence of four years of community control is affirmed where child's mother's arguments that, under Marsy's Law (Ohio Const., Art. I, Sec. 10a), the trial court erred by failing to order full restitution for child support arrears, by not considering the presentence investigation report (PSI), and by imposing a lenient sentence instead of prison, are without merit since Marsy's Law grants victims a right to restitution and to be heard but does not authorize them to appeal the length of a defendant's sentence, the trial court ordered defendant to pay ongoing child support and arrearages as a condition of community control, satisfying the restitution requirement under R.C. 2929.18(A)(1), and the PSI and victim impact statement were considered; as well, mother was given the opportunity to be heard but declined to speak at sentencing.

Voir dire/Restricted/Racial bias/Tampering with evidence. State v. Belmon | 2025-Ohio-4400 | 6th Appellate District | 09/19/2025 Defendant's convictions of murder and related offenses, arising from a

shooting death, are reversed and remanded to the trial court, which erred by unreasonably restricting voir dire, thereby preventing defense counsel from adequately probing jurors' potential racial prejudice, in violation of the Sixth and Fourteenth Amendments and contrary to R.C. 2945.27 and Crim.R. 24, which require courts to allow reasonable examination of jurors; however, defendant's charge for tampering with evidence is supported by sufficient evidence on the basis of surveillance footage showing defendant carrying a wrapped item from the scene after the shooting, and coupled with the disappearance of the murder weapon, there was sufficient evidence under R.C. 2921.12(A)(1) to support his tampering-with-evidence conviction.

Sentencing/Community control/Revocation/Prison sentence/Competency. State v. Ferguson | 2025-Ohio-4416 | 4th Appellate District | 09/17/2025 After defendant's conviction for failure to appear, imposition of community control sanction, revocation of community control for violations, and imposition of a prison sentence with additional community control requirements, the trial court erred in characterizing the sentence as jointly recommended and in adding community control sanctions to defendant's prison sentence, so the case is remanded to correct the sentence; as well, defendant's argument that the trial court was required to develop evidence around his intellectual and mental disabilities is without merit since the court found no substantial basis under *State v. Qualls*, 50 Ohio St.3d 56 (1990) or R.C. 2945.37(G) to question defendant's ability to understand the proceedings, as neither counsel nor his mother indicated incompetence.

Drug offenses/Traffic stop/Suspended license/Suppression. State v. Foreman | 2025-Ohio-3307 | 5th Appellate District | 09/12/2025 In a prosecution of defendant for aggravated possession of methamphetamine, R.C. 2925.11(A), and possession of drug paraphernalia, R.C. 2925.14(C)(1), arising from evidence obtained during a traffic stop, the trial court's order granting defendant's motion to suppress the traffic stop evidence is reversed on reasoning that the deputy had reasonable suspicion to stop the vehicle upon learning that the registered owner had a suspended license, and once the stop was validly initiated, the deputy was entitled to verify the driver's license status and request identification; the state argued that the stop was lawful under the commonsense inference that the registered owner is typically the driver, unless information negates that assumption.

Jury trial/Waiver/Oral acknowledgment. State v. Nichols | 2025-Ohio-3241 | 10th Appellate District | 09/09/2025 In a case in which defendant was charged with several offenses that were tried to a jury, his charge of having weapons while under disability, R.C. 2923.13(A)(2), with a firearm specification, R.C. 2941.145, was tried to the court, and regarding the weapons charge, the case is remanded for a new trial where the court found that defendant's waiver of his right to a jury trial was invalid because it failed to meet the "open court" requirement under R.C. 2945.05 and Crim.R. 23(A), which mandates an oral acknowledgment by the defendant in open court, and although a written waiver was filed, the transcript lacked any in-court confirmation by defendant; as well, the court rejected the state's argument to presume regularity due to an untranscribed voir dire segment.

Plea/Sentencing/Advisement/Reasonable period. State v. Devore | 2025-Ohio-3164 | 2nd Appellate District | 09/05/2025 Defendant's convictions by plea to drug offenses and OVI are affirmed; however, the sentence was reversed and remanded for resentencing since the trial court failed to fully comply with R.C. 2929.19(B)(2)(c) during sentencing by omitting the required notification that the state department of rehabilitation and correction may extend incarceration beyond the minimum term for a reasonable period, subject to R.C. 2967.271(D); the trial court's omission constituted plain error where all five statutory notifications under R.C. 2929.19(B)(2)(c) must be conveyed at the sentencing hearing, and substantial compliance is insufficient.

Gross neglect of patient/Sufficiency of evidence/CPR/Double jeopardy. State v. Bediako | 2025-Ohio-3169 | 1st Appellate District | 09/05/2025 Defendant-certified caregiver's conviction of gross neglect of a patient, R.C. 2903.34(A)(2), is reversed for insufficiency of evidence that her inaction caused physical harm to patient where defendant failed to administer CPR to a nonresponsive resident, but the state did not prove causation, as required by R.C. 2903.33(C)(1), relying solely on bodycam footage and testimony from a responding officer and a developmental disability services employee, without presenting medical evidence or expert testimony to establish that CPR or other emergency measures would have prevented the patient's death; defendant is discharged from further prosecution because insufficient evidence bars retrial under the Double Jeopardy Clause.

Evidence/Hearsay/Confrontation Clause/Evid.R. 804(B)(6). State v. Fleming | 2025-Ohio-3165 | 2nd Appellate District | 09/05/2025 In a conviction of felony murder

and weapons offenses, the court of appeals holds that the trial court erred in admitting hearsay under the forfeiture-by-wrongdoing exception, Evid.R. 804(B)(6), with the appellate court finding that the state failed to prove by a preponderance of the evidence that defendant caused a subpoenaed witness's absence with intent to prevent her testimony, as required by Evid.R. 804(B)(6) and the Confrontation Clause, since the only evidence linking defendant to the witness's absence was a vague jail call referencing a third party, with no direct or inferential proof of intimidation or coercion, and no circumstantial evidence supported a reasonable inference of wrongdoing; case remanded for further proceedings.

Plea/Post-sentence Crim.R. 32.1 motion to withdraw plea. State v. Matthews | 2025-Ohio-3175 | 6th Appellate District | 09/05/2025 In a conviction by guilty plea to felony drug trafficking offenses, R.C. 2925.03(A)(1), (A)(2), and (C)(1)(d), the court of appeals affirmed the trial court's denial of defendant's Crim.R. 32.1 post-sentence motion to withdraw his guilty plea, with defendant claiming ineffective assistance of counsel, alleging his attorney failed to inform him of available defenses and misrepresented discovery access, but the appellate court held that even assuming res judicata did not bar his claims, he failed to demonstrate a "manifest injustice" required for a post-sentence plea withdrawal since he failed to substantiate his claim that search warrants were defective, nor did he show prejudice, with the court of appeals emphasizing defendant had admitted to the charged conduct during his Crim.R. 11 plea colloquy and failed to present extraordinary circumstances to warrant relief.

Expungement/Drug test. State v. J.B. | 2025-Ohio-3143 | 8th Appellate District | 09/04/2025 After defendant entered a plea to two misdemeanors and completed his community control, then applied for expungement under R.C.

2953.32(B), denial of defendant's application is reversed where the trial court ordered defendant to submit to a drug test and conditioned its decision on the results of that test, as part of the court's blanket policy requiring all applicants to submit to drug testing, since there is no provision in R.C. 2953.32(C) or (D)(1)(c) authorizing such testing, and rehabilitation determinations must be based on statutory criteria, not extrajudicial requirements; as well, the state's reliance on R.C. 2953.32(D)(1)(h) was misplaced since that provision applies only to specific sex offenses under prior law, and R.C. 2951.03 permits drug testing only in presentence investigations, underscoring that the legislature intentionally omitted similar authority from the expungement statute.

DNA testing/Post-conviction/Findings. State v. Shaw | 2025-Ohio-3173 | 7th Appellate District | 09/03/2025 In a conviction of aggravated murder and attempted murder, the court of appeals holds that the trial court erred by its summary denial of defendant's post-conviction application for DNA testing, in which defendant argued that, under R.C. 2953.74, DNA testing of biological evidence, that had not been raised at trial, could be outcome determinative, with the court of appeals holding that a trial court must consider all admissible evidence and articulate the basis for denying DNA testing, as required by R.C. 2953.74(D), with the appellate court emphasizing that while a hearing is not mandatory, a denial must include sufficient findings to permit appellate review, and the trial court erred by failing to explain whether defendant met the "outcome determinative" standard nor did it address the availability and relevance of the evidence; case remanded for reconsideration, with the court of appeals stating that if the trial court again denies the application, it must provide its reasons.

Seized property/State's refusal to return/Dismissal of charges. State v. Durst | 2025-Ohio-3103 | 6th Appellate District | 08/29/2025 After appellant's cellphone was seized in 2015 during a rape investigation and charges were filed against him, but the charges were dismissed in 2018, and trial court granting in 2024, appellant's motion for return of the cellphone, but the state refused to comply, citing concerns about potentially illicit images on the phone, the appellate court affirms the trial court's order for return of the phone, holding that under R.C. 2981.11(A)(1), seized property must be returned once no longer needed as evidence or for another lawful purpose, with the court of appeals emphasizing that while contraband or evidence may justify retention, the state failed to present sufficient proof to support its continued possession.

Ineffective assistance/Lack of prejudice. State v. Hall | 2025-Ohio-3099 | 6th Appellate District | 08/29/2025 In a conviction of aggravated burglary, burglary, aggravated menacing, intimidation of a witness, felonious assault, and domestic violence based on incidents involving defendant's former girlfriend, with defendant arguing on appeal, inter alia, ineffective assistance of trial counsel, the court of appeals acknowledged that defense counsel's failure to object to testimony of officers and to co-workers vouching for the victim's credibility was deficient under Evid.R. 608 and case law prohibiting credibility opinions, *Bey* and *Knuff*, and the appellate court also agreed that another witness' testimony contained inadmissible hearsay, but applying the standards in *Strickland* and *Bradley*, the court of appeals concluded defendant failed to demonstrate prejudice and was not deprived of a fair trial in light of the overwhelming evidence, including defendant's admissions, corroborating texts, photographs, and DNA that undercut any prejudice from the errors.

Rape/Substantial impairment/ Sufficiency and weight of evidence/ Sentencing/"Trial tax". State v. Beard | 2025-Ohio-3097 | 1st Appellate District | 08/29/2025 Conviction of rape, R.C. 2907.02(A)(1)(c), met the sufficiency and weight of evidence standards, with the court of appeals holding that the evidence, including witness testimonies and expert testimony regarding the victim's intoxication, was sufficient to prove the victim was substantially impaired and the conviction was not against the weight of evidence; however, the appellate court vacated the sentence and remanded for resentencing, finding the trial court improperly considered defendant's exercise of his constitutional right to a jury trial when imposing the maximum sentence, violating his right to a fair sentencing process since the trial court's comments linked the severity of the sentence to his decision to go to trial, resulting in an impermissible "trial tax" for exercising his constitutional right to a jury trial; sentence vacated and cause remanded for resentencing.

Plea/Guilty plea/Unrepresented plea not valid. State v. Weaver | 2025-Ohio-3094 | 2nd Appellate District | 08/29/2025 In a conviction by guilty plea to fourth-degree misdemeanor domestic violence, R.C. 2919.25(C), the court of appeals reverses, holding that defendant's unrepresented plea was not knowingly, intelligently, or voluntarily made since, even though he signed a waiver form, the trial court failed to orally advise him of his rights: to counsel under Crim.R. 5(A) and 10(C); a continuance to obtain counsel or appointed counsel if indigent; to remain silent, and of the necessity of demanding a jury trial, with the appellate court stating that a written waiver alone cannot substitute for the trial court's obligation to ensure that a defendant understands these rights; case remanded with instructions to vacate the plea and conduct further proceedings.

New trial/Prior testimony/ Confrontation/Deceased witness. State v. Jones | 2025-Ohio-3095 | 1st Appellate District | 08/29/2025 After a 1996 conviction of aggravated murder that was affirmed and the death penalty imposed, defendant was granted a new trial in 2022 because of the exclusion of a now deceased's officer's prior testimony, based partly on newly discovered impeachment evidence the state had failed to disclose, that the officer, the state's key witness, had testified to finding the victim's distinctive gold pendant in defendant's toolbox, but other withheld materials that were uncovered decades later, could have been used to challenge his account, with the state arguing the officer's 1996 testimony should be admitted under Evid.R. 804(B)(1) and rehabilitated with impeachment material under Evid.R. 806, but the court of appeals reversed, holding that the U.S. Constitution Sixth Amendment Confrontation Clause and Ohio Const., Art. I, Sec. 10 required that defendant be afforded an adequate opportunity to cross-examine the officer, but who died after defendant's conviction, and because the officer is no longer available, admitting his prior testimony would violate defendant's constitutional confrontation rights; a dissenting opinion was filed.

Plea/Judicial release/Advisement. State v. Glenn | 2025-Ohio-3121 | 4th Appellate District | 08/26/2025 Defendant's conviction of drug and corrupt activity offenses by plea is reversed and remanded because her plea was not entered knowingly, intelligently, and voluntarily under Crim.R. 11(C) and constitutional standards where the trial court and counsel repeatedly advised defendant that she would be eligible for judicial release after two years—a material misstatement of law—and her three-year prison term for engaging in a pattern of corrupt activity under R.C. 2923.32 is both mandatory and a "disqualifying prison term" under R.C. 2929.20, rendering her ineligible for judicial release.

Sentencing/Plea/Allocution/Dissent. State v. Walker | 2025-Ohio-3049 | 6th Appellate District | 08/26/2025 Defendant's sentence after conviction by plea to attempted forgery is reversed on reasoning that the trial court violated his right to allocution, Crim.R. 32(A)(1), where, although both parties' counsel addressed the court, the trial judge failed to personally ask defendant if he wished to speak in mitigation before sentencing, as required by Crim.R. 32(A)(1), and the error was not harmless since defendant's allocution could have influenced the sentence, especially regarding jail time or the fine, so the case is remanded for resentencing; there is a dissenting opinion.

Domestic violence/Hearsay evidence/Circumstantial evidence/Double jeopardy. State v. Wallace | 2025-Ohio-3032 | 11th Appellate District | 08/25/2025 Defendant's conviction for domestic violence, R.C. 2919.25(A), in which the trial court admitted hearsay evidence—specifically, victim's recorded statement to police—on reasoning that the business-record exception, Evid.R. 803(6), applied—is reversed because the recording contained hearsay within hearsay and lacked a proper foundation for admissibility under any exception, including Evid.R. 803(5), and the trial court relied on the recording as “strong circumstantial evidence” in its verdict, so the error was not harmless under Crim.R. 52(A); without the recording, the remaining evidence—primarily photographs and testimony from the officer—did not establish defendant's guilt beyond a reasonable doubt, and the conviction is reversed and remanded for a new trial since when an appellate court's reversal is based on trial error, such as an erroneous admission of evidence, the Double Jeopardy Clause does not bar retrial.

Sentencing/Forfeiture/Proportionality/Specification. State v. Jones | 2025-Ohio-3011 | 5th Appellate District | 08/22/2025 In defendant's conviction by plea to drug and weapons offenses with forfeiture specifications, attached only to felonies, the trial court's forfeiture order is vacated since the state failed to prove by clear and convincing evidence, as required by R.C. 2981.09(A), that the forfeiture was proportionate to the severity of the offenses—for example, evidence of defendant's F5 drug possession based solely on psilocybin mushrooms found in a locked bedroom did not justify forfeiture of the entire property, which was lawfully inherited and not shown to be integral to the commission of the offenses; as well, the misdemeanor permitting drug abuse count lacked a forfeiture specification and statutory authority, R.C. 2981.02(A)(1)(c)(ii).

Property maintenance/Violation/Vagueness. Huron v. Kisil | 2025-Ohio-2921 | Supreme Court of Ohio | 08/20/2025 In city's action against property owner for violation of city-adopted International Property Maintenance Code (IPMC), which requires properties to be kept in a “clean,” “safe,” and “sanitary” condition, where the city alleged that defendant's property lacked water service, had holes in the roof, and had related problems, prompting defendant to argue that the IPMC terms were unconstitutionally vague under the void-for-vagueness doctrine, resulting in judgment for city, affirmed by the court of appeals, which sua sponte certified that its decision was in conflict with another district's decision regarding the void for vagueness question, the court of appeals' judgment is affirmed because the conditions of defendant's property, as alleged by the city, clearly fell within the proscriptions of the challenged IPMC provisions, and defendant could not succeed in a challenge claiming that the IPMC provisions are void for vagueness.

Record sealing/Eligibility/Restitution. State v. T.W.C. | 2025-Ohio-2890 | Supreme Court of Ohio | 08/19/2025 After defendant completed his prison sentence for convictions of two counts of forgery but had failed to make court-ordered restitution, followed by defendant's application to seal his record of convictions, trial court's order granting defendant's application to seal his record, affirmed by the court of appeals on reasoning that the restitution order was civil and that it had become dormant, is reversed since restitution imposed under R.C. 2929.18 is a sanction within a criminal sentence, regardless of being labeled a civil judgment, and must be paid before an offender attains “final discharge,” as required for sealing eligibility, *State v. Aguirre*, 2014-Ohio-4603; record sealing is a statutory privilege, not inherent judicial authority, eligibility cannot be conferred until restitution is satisfied, and the case is remanded for the court of appeals to address defendant's constitutional claims.

Sentencing/Consecutive sentences/Statutory guidelines. State v. Mixon | 2025-Ohio-2970 | 5th Appellate District | 08/19/2025 In a conviction by a guilty plea to involuntary manslaughter and assault, endangering children, and involuntary manslaughter, and a separate felony assault in a companion case, with the trial court merging the child endangerment and manslaughter counts and imposing a mandatory indefinite sentence of 10 to 15 years under the Reagan Tokes Law, plus a consecutive 12-month term for the assault, with defendant arguing the sentence was contrary to law and not reasonably calculated under R.C. 2929.11 and R.C. 2929.12, but the appellate court rejected this claim, noting the sentence fell within statutory ranges and was supported by findings under R.C. 2929.14(C)(4), including that consecutive sentences were necessary to protect the public and were

proportionate to the seriousness of defendant's conduct, with the appellate court emphasizing that defendant's prior felony convictions and prison history required a mandatory sentence pursuant to R.C. 2929.13(F).

Sentencing/Judicial release/Eligibility. State v. Staffrey | 2025-Ohio-2889 | Supreme Court of Ohio | 08/19/2025 Order granting defendant's motion for judicial release under R.C. 2929.20 on reasoning that defendant's record and time served justified early release and that defendant was an eligible offender is reversed where defendant was serving a 15-to-50-year indefinite sentence, and R.C. 2929.20(A)(1)(a) requires an "eligible offender" to be serving a "stated prison term," defined in R.C. 2929.01(FF) and (GGG) as including definite terms and certain indefinite terms created by S.B. 201 (2019) (Reagan Tokes Law), but excluding indefinite sentences under pre-S.B. 2 law (1996)—when defendant's sentence was imposed—so defendant's indefinite sentence does not qualify as a "stated prison term," rendering him ineligible for judicial release, so the case is remanded to the trial court to enter an order denying defendant judicial release; there is a dissenting opinion.

Drug offenses/Sentencing/Fine. State v. Reed | 2025-Ohio-2969 | 5th Appellate District | 08/18/2025 In a conviction of aggravated trafficking and possession of methamphetamine, with defendant arguing that the trial court erred by imposing a \$5,000 mandatory fine on the trafficking count, and defendant claiming her indigency status, that was established for purposes of appointed counsel, should have precluded the fine under R.C. 2929.18(B)(1), but the appellate court rejected this argument, emphasizing that indigency for counsel does not automatically equate to inability to pay a fine since the defendant bears the burden of proving both

indigency and inability to pay, and that the trial court need only consider defendant's present and future ability to pay and was not required to hold a hearing or make specific findings, and the record showed defendant had monthly Social Security income and had already arranged to make \$10/monthly payments, even while incarcerated, with the court of appeals finding no error in imposing the fine on one count while waiving it on another.

Plea/Sentencing/Mandatory. State v. Williams | 2025-Ohio-2902 | 1st Appellate District | 08/15/2025 Defendant's conviction of felonious assault, R.C. 2903.11(A)(1), pursuant to plea, is reversed where the trial court did not determine whether defendant understood the mandatory nature of his sentence—because the victim was a peace officer who suffered serious physical harm—and whether defendant understood his ineligibility for community control, and the court also did not correct defendant's misunderstanding when he requested community control, so the plea is vacated, and the case is remanded for further proceedings; defendant's conviction of swatting, R.C. 2917.321(B), a second-degree felony, is affirmed.

DNA/Post-conviction testing/Outcome determinative. State v. Bowman | 2025-Ohio-2893 | 2nd Appellate District | 08/15/2025 Court of appeals affirms the denial of defendant's second application for post-conviction DNA testing, R.C. 2953.74, where defendant, convicted in 2021 of the aggravated murder of his wife, sought testing of additional biological materials not included in his first application where, although the trial court denied the request as moot, the court of appeals disagreed, finding the new items created an actual controversy, but the appellate court upheld the denial because defendant failed to show that exclusionary DNA results would be "outcome determinative" under

R.C. 2953.71(L), in light of the substantial trial evidence of defendant's motive, opportunity, false alibi, incriminating statements, and destruction of evidence, with the appellate court also rejecting defendant's claim that the trial court failed to comply with the procedural requirements in R.C. 2953.73 and 2953.75, noting the trial court provided a reason for its denial.

Venue/Location of incident. State v. Quattara | 2025-Ohio-2850 | 1st Appellate District | 08/13/2025 Conviction of defendant, caretaker for a developmentally disabled individual, for patient endangerment, R.C. 2903.341(B), is reversed where the state failed to prove venue in the county in which the trial court was located, as required by Ohio Const. Art. I, Sec. 10 and R.C. 2901.12, where the offense occurred at a soccer stadium—not at the client's home or training site within the court's county—the state was required to prove that the stadium was located in the county in which the court was located, but there was no evidence to establish where the game was played, and circumstantial ties to the county in which the court was located (such as the service contract, home location, and investigators' offices) were irrelevant to the offense's location, so without evidence of the stadium's county, venue was not established beyond a reasonable doubt, requiring reversal.

Theft by deception/Intent/Sufficiency and weight of evidence. State v. Villolovos | 2025-Ohio-2844 | 6th Appellate District | 08/12/2025 In a conviction of theft by deception, R.C. 2913.02(A)(3) and (B)(2), based on defendant's multiple purchases with checks that were later returned for insufficient funds, with defendant arguing the state failed to prove he had the intent to deprive the store at the time of the transactions, claiming he believed overdraft protection or his pending home-sale proceeds would cover the

purchases and that his conviction was against the weight of evidence, but the court of appeals holds that intent may be proven circumstantially and inferred from conduct, including post-transaction behavior, and that the evidence showed defendant failed to make any payment or return goods despite repeated opportunities and his assurances to store personnel and police, supporting the jury's finding of deceptive intent at the time of purchase.

Engaging in a pattern of corrupt activity/Venue. State v. Brown | 2025-Ohio-2804 | Supreme Court of Ohio | 08/12/2025 Defendant's conviction for engaging in a pattern of corrupt activity, R.C. 2923.32(A)(1), involving drug trafficking and drug possession, is affirmed where venue was proper in the trial court, even though defendant's drug-selling activity occurred in another county since defendant was part of a drug-selling enterprise whose member conducted enterprise activity in the county in which the trial was held, and the enterprise had a direct interest in the proceeds from the drugs sold to the buyer in the county in which the trial was held, investing the enterprise in the outcome of the transaction in that county, making venue there proper.

Sentencing/Forfeiture/Specification/Plea agreement/Hearing. State v. McCormick | 2025-Ohio-2858 | 5th Appellate District | 08/12/2025 In defendant's conviction by plea to three felonies with attached forfeiture specifications and defendant's plea agreement to forfeit her home, trial court's order declining to require forfeiture of home is reversed where, under R.C. 2981.04(B), when an indictment includes a forfeiture specification and a defendant pleads guilty, the trier of fact must determine whether the property should be forfeited, classifying it under R.C. 2981.09 as contraband, proceeds, or an instrumentality, and

if an instrumentality, evaluating proportionality using the statutory factors in R.C. 2981.09(C)–(D), the trial court did not make such findings or address forfeiture in its sentencing entry, and its oral statement that it would not order forfeiture of the house had no legal effect absent journalization, so the case is remanded for a new forfeiture hearing and a written entry explaining the decision.

Receiving stolen property/Search/Motion to suppress. State v. Scerba | 2025-Ohio-2791 | 2nd Appellate District | 08/08/2025 In a conviction by plea of no contest to receiving stolen property, the court of appeals holds that the trial court erred in denying defendant's motion to suppress, in which he argued that police lacked legal justification to detain and search him and his vehicle, with the appellate court finding the encounter was not consensual one because the officer activated his cruiser's emergency lights, ordered defendant to stop walking, and immediately conducted a pat-down, with the court of appeals applying Terry and related Ohio precedent, and concluding there was no reasonable, articulable suspicion of criminal activity because the officer acted on an inchoate hunch based solely on defendant's presence in a high-crime area and innocuous conduct, and any suspected traffic violations were unsupported by clear evidence and did not trigger a valid stop, Whren and Erickson.

Post-conviction relief/Sentencing/Death penalty/Serious mental illness. State v. Henderson | 2025-Ohio-2798 | 1st Appellate District | 08/08/2025 In a petition for post-conviction relief, R.C. 2953.21(A)(1)(a) (iv), with petitioner seeking to commute his death sentence, arguing he had a serious mental illness, R.C. 2929.025, the court of appeals holds the trial court erred in finding petitioner refused to submit to an evaluation, and thus he was not rendered "not ineligible" for the death penalty under R.C.

2929.025(F)(1), with the appellate court emphasizing a waiver of statutory rights must be knowing, and the record lacked competent, credible evidence that petitioner had understood the purpose of the evaluation or knowingly declined it, and a doctor's affidavit, reporting hearsay from prison staff that petitioner refused to meet with a "mental-health doctor," did not establish that he was aware of the evaluation's significance; the court of appeals also found error in the dismissal of the petition based on non-cooperation since it is not a valid basis under the statute; judgment reversed and remanded for further proceedings, including a renewed opportunity for petitioner to undergo a serious mental illness evaluation.

Sentencing/Jointly recommended/Post-release control/Advisement. State v. Cook | 2025-Ohio-2776 | 8th Appellate District | 08/07/2025 In defendant's convictions of involuntary manslaughter, R.C. 2903.04, and related offenses by plea, the sentencing judgment is vacated, in part, and remanded for limited resentencing due to the court's failure to orally advise defendant of the consequences of violating post-release control, as required by R.C. 2967.28 and clarified in State v. Grimes, 2017-Ohio-2927, and the court of appeals also directed a nunc pro tunc entry to fix a clerical error in the sentencing entry regarding one of the counts; as well, the jointly recommended sentence under R.C. 2953.08(D)(1) was not reviewable, and there was no error in the trial court's Reagan Tokes advisements or sentencing entry.

Sentencing/Allied offenses/Confrontation Clause/Medical records/Joinder/Resentencing. State v. Mitchell | 2025-Ohio-2772 | 8th Appellate District | 08/07/2025 In convictions of multiple offenses arising from two separate incidents in separate jurisdictions, the court of appeals reverses and remands for resentencing on the convictions for

having weapons while under disability, R.C. 2923.13, and aggravated vehicular assault, R.C. 2903.08, since those offenses should have merged as allied offenses because they arose from single acts without separate animus, and the appellate court also rejected a Confrontation Clause challenge to the admission of certified medical records under R.C. 2317.422 and Evid.R. 803(6), finding the records were non-testimonial and properly authenticated; also discussed, vandalism conviction, R.C. 2909.05, was unsupported by sufficient evidence of knowing conduct and property value; remanded for the state to elect the counts to proceed on and for resentencing on the allied offenses.

Speedy trial/Motion to dismiss/Tolling. State v. Valentino | ++2025-Ohio-2721 | 9th Appellate District | 08/04/2025 In a conviction of felony menacing by stalking, the court of appeals affirms, rejecting defendant's arguments that the trial court erred by denying his motions to dismiss on speedy trial grounds where, although under R.C. 2945.71(C)(2), a felony defendant must be brought to trial within 270 days, with each day in jail counting as three, R.C. 2945.71(E), the trial court's continuances for scheduling conflicts and tolling the speedy trial time were permissible under R.C. 2945.72(C), (E), and (H) where the court of appeals found the trial court reasonably construed the state's initial response as a request for time to address tolling of the speedy trial statute, and the state provided a valid explanation for the delay that the trial was continued because of other cases that needed to be heard first, and since defendant failed to rebut the state's justification, the days after the continuance did not count toward the speedy-trial deadline and thus the case was tried within the statutory time requirement.

Education

Student athlete/Scholarship/Removal from team. Mohler v. Univ. of Toledo Athletic Dept. | 2025-Ohio-4961 | 10th Appellate District | 10/30/2025 In student athlete's action against a university athletic department for negligent misrepresentation and related claims—prior to receiving a scholarship, but after student signed a ceremonial letter of commitment to play soccer, underwent knee surgery based on university advice, and experienced contentious interactions with coaching staff before being dismissed from the team—university's defense of discretionary immunity, R.C. 2743.02, did not apply to the coach's decision to remove her from the team; however, summary judgment for the university on the merits is affirmed on reasoning that the letter student signed was not a binding National Letter of Intent, and student failed to show any false statements about her scholarship status at the time they were made.

Elections and Campaign Finance

Voter registration/Cancellation/Place of residence/Mandamus. State ex rel. Hicks v. Adams Cty. Bd. of Elections | 2025-Ohio-4582 | Supreme Court of Ohio | 10/02/2025 After county board of elections denied citizen's challenge to prosecutor's voter registration—based solely on board records and the citizen's claim that the prosecutor resided in a different county—and citizen filed a petition for a writ of mandamus seeking to compel the board to cancel the registration, the writ is denied on reasoning that citizen failed to show a clear legal right to outright cancellation of prosecutor's voter registration, based solely on board records, which was the only relief specifically requested.; citizen's alternative request for a remand to the board for a hearing under R.C. 3503.24(B), and for “any other relief,” was rejected because original actions require all relief

to be specifically pled under S.Ct. Prac.R. 12.02(B)(3), and a generic request was insufficient.

Referendum petition/Real property/Brief summary. State ex rel. M/I Homes of Cincinnati, L.L.C. v. Clermont Cty. Bd. of Elections | 2025-Ohio-4362 | Supreme Court of Ohio | 09/17/2025 In property developer's petition for writs of prohibition and mandamus seeking to block a zoning referendum concerning its proposed residential development, the writs are denied where developer's arguments that the referendum petition's “brief summary” was misleading under R.C. 519.12(H) because it suggested that all three parcels at issue were entirely rezoned, that it omitted favorable project features, and that the accompanying map misrepresented the development are without merit on reasoning that the summary was legally sufficient because it accurately stated the parcels' current zoning designations, stated the affected acreage, and stated the number of homes proposed for residential development; as well, the map was “appropriate” because it would not mislead the average person about the area affected, and a referendum petition need not enumerate all conditions or amenities of a zoning plan.

Statutory government/Certified candidates/Removal. State ex rel. Nelsonville v. Athens Cty. Bd. of Elections | 2025-Ohio-4363 | Supreme Court of Ohio | 09/17/2025 After voters passed an issue abolishing city's charter to be replaced by a statutory form of government, and county board of elections certified to the ballot candidates for mayor, auditor, and related positions, prompting relators-city and city council to file a petition for writs of mandamus and prohibition to require county board of elections to remove the slate of statutory offices from the general-election ballot, the writs are denied since mandamus is unavailable because relators identified no

Elections and Campaign Finance (Continued)

statute imposing a duty on the board to remove duly certified races from the ballot and courts cannot create such duties, R.C. 3501.39; as well, prohibition is also denied because the board did not exercise quasi-judicial authority, having held no protest hearing.

Replacement candidate/Name on ballot/Nominating petition/Committee designation. State ex rel. Vermilion Campaign Commt. for Jean A. Anderson v. Lorain Cty. Bd. of Elections | 2025-Ohio-3250 | Supreme Court of Ohio | 09/10/2025 Relators-nonpartisan mayoral candidate and withdrawing nonpartisan mayoral candidate's petition for a writ of mandamus to compel board of elections to place candidate's name on ballot as a replacement for withdrawing candidate is denied since relators failed to strictly comply with R.C. 3513.31(F)—which allows a vacancy caused by a withdrawn nonpartisan candidate to be filled only if a five-member committee is designated on the original nominating petition—by leaving the committee section of the petition blank, and later attempts to add a committee designation could not cure this omission since petitions may not be altered once filed, R.C. 3501.38(l) (1); as well, relators' arguments that the omission was a technical defect, that public policy favored substitution, or that constitutional rights were infringed, are without merit where candidate could have filed her own petition and withdrawing candidate could have designated a committee initially, and because no committee was validly designated, the board of elections acted within its discretion.

Environmental and Natural Resources

Mineral interests/Royalties/Preservation/Standing. 1803 Resources, L.L.C. v. Lineback | 2025-Ohio-3271 | 7th Appellate District | 09/05/2025 In dispute over oil and gas royalties reserved in early 20th-century deeds in which the trial court's ruling that plaintiff lacked standing under the doctrines of champerty and maintenance, and that the royalty plaintiff claimed was extinguished under the Marketable Title Act (MTA), R.C. 5301.47–.56, while construing the royalty interests as limited to gas well rentals rather than production royalties, is reversed on reasoning that purchasing severed mineral interests and pursuing quiet title does not bar standing under champerty principles so purchaser of mineral rights has a sufficient stake to litigate, and applying the three-step test from *Blackstone v. Moore*, 2018-Ohio-4959, the appellate court determined that subsequent deeds specifically identified both the claimed royalties by name and type of interest, thus preserving them under R.C. 5301.49(A); wills and recorded title transactions may preserve royalty interests, distinguishing prior holdings that limited saving events, so the case is reversed and remanded for further proceedings.

Mineral interests/Deed/Interpretation. Vickers v. Capstone Holding | 2025-Ohio-3172 | 7th Appellate District | 09/04/2025 In dispute over ownership of oil and gas rights stemming from a limited warranty deed conveying property to the plaintiffs, where defendant claimed that the deed's reservation clause reserved all mineral rights to the grantor, and plaintiffs argued the clause only excluded previously conveyed mineral rights and that they owned the oil and gas rights, the trial court's order granting partial summary judgment to plaintiffs is affirmed, with the appellate court holding that the "heretofore conveyed" clause in the deed did

not create a new reservation but merely excluded minerals already conveyed (mostly coal), so as a result, plaintiffs were the rightful owners and entitled to royalties from the lessee.

Estate Planning, Trust and Probate

Administrator's action/Bank's action/Service/Jurisdictional priority. Kacyon v. Moore | 2025-Ohio-5030 | 9th Appellate District | 11/05/2025 In plaintiff-administrator of decedent's estate's land sale action against defendants-decedent's children and county fiscal office, seeking sale of property which was subject to foreclosure in a separate action brought by bank-mortgage holder, trial court erred in granting bank's motion to dismiss plaintiff's complaint for lack of jurisdiction where, although the bank's complaint was filed first in the separate action, service was first accomplished in the instant case, and therefore probate court had exclusive jurisdiction under the jurisdictional priority rule, and the case is remanded.

Will contest/Discovery/Deemed admissions. In re Furrey v. Furrey | 2025-Ohio-4683 | 2nd Appellate District | 10/10/2025 In children's refiled action contesting the validity of father's will, asserting that father lacked testamentary capacity and was subject to wife's undue influence, the trial court erred in deeming wife's requested admissions admitted after children failed to timely respond where children had responded to wife's similar requests for admissions in previous litigation, children's counsel was dealing with significant health issues which inadvertently caused response to not be sent, but response was ultimately provided well before discovery deadline and trial date, and wife did not claim that she would be prejudiced by withdrawal of admissions, Civ.R. 36(B).

Promissory note/Breach/Counterclaims/Unjust enrichment/Jurisdiction. Hoelzer v. Kacachos | 2025-Ohio-4506 | 12th Appellate District | 09/29/2025 In plaintiff-executor's action alleging that defendants-decedent's daughter and son-in-law had stopped making payments on promissory note that defendants had executed in exchange for decedent's business interests, trial court's order granting plaintiff's motion to dismiss defendants' counterclaims for lack of jurisdiction, on reasoning that the probate division had exclusive jurisdiction under R.C. 2101.24(A)(1), which governs matters related to estate administration and will contests, is reversed where counterclaims for unjust enrichment and promissory estoppel were contractual in nature rather than a challenge to the estate, and because the probate division did not have jurisdiction over counterclaims, the jurisdictional priority rule did not apply, R.C. 2101.24(A)(1), and the case is remanded.

Attorney fees/Quantum meruit/Interpleader/Standing. Estate of Clemons v. Oejo | 2025-Ohio-2987 | 8th Appellate District | 08/21/2025 In underlying action in which estate was substituted as plaintiff, alleging that motor vehicle accident contributed to decedent's death, where executor discharged attorney, then all estate's claims were settled, and attorney filed an interpleader complaint, asserting a claim for unjust enrichment and declaratory relief regarding his claimed share of attorney fees under the doctrine of quantum meruit, interpleader-attorney's appeal of the trial court's order granting estate's motion to dismiss on procedural grounds, Civ.R. 12(B)(6), is dismissed for lack of jurisdiction on reasoning that interpleader-attorney lacked standing to appeal the trial court's decision because he was not granted or denied the right to intervene, Civ.R. 24(C); there is a dissenting opinion.

Prohibition/Jurisdiction/Attorney fees. Golub v. Werren | 2025-Ohio-2950 | Supreme Court of Ohio | 08/21/2025 In case in which relator-attorney filed a petition for a writ of prohibition to prevent respondent-probate court judge from proceeding with a hearing related to a court order to return attorney fees that relator received from the estates without prior court approval, court of appeals judgment granting summary judgment against relator is affirmed where relator's argument that the probate court lacked jurisdiction because the court had earlier dismissed his tort claims against fiduciaries and new counsel is without merit since the probate court had exclusive jurisdiction over estate administration under R.C. 2101.24(A)(1)(c), which includes regulation of attorney compensation in estate matters; as well, realtor's allegations of due process violation and judicial misconduct are without merit since the arguments concerned discretionary case management, not jurisdiction, and were therefore not cognizable in prohibition, and relator had an adequate remedy by way of appeal.

Family Law and Domestic Relations

Dissolution/Property division/Value of company/Poundage. Krueger v. Krueger | 2025-Ohio-5283 | 11th Appellate District | 11/24/2025 In dissolution of marriage action in which trial court issued a judgment of dissolution, which incorporated the parties' separation agreement, and wife then filed a motion for relief from judgment, alleging that husband committed fraud by misrepresenting his business' value and/or negotiations for its sale prior to execution of the settlement agreement, trial court's awarding to wife half the value of the sale of the parties' interest in husband's company and imposing on husband poundage costs is affirmed where husband's acts were found to be fraudulent; as well, the stay pending appeal did not have the

legal effect of precluding an award of interest covering the period while the stay was pending, and poundage was charged pursuant to R.C. 2303.20(V), providing that the clerk charge "a commission" for "receiving and disbursing money" that is deposited with the clerk.

Child support/Financial evidence/Marriage termination date. Matyas v. Matyas | 2025-Ohio-5100 | 11th Appellate District | 11/10/2025 In divorce action the trial court erred in its calculation of husband's child support obligation where income figures were not stipulated by the parties or discussed prior to admission of exhibits, the court did not allow wife's counsel's attempt to discuss issues concerning wife's daycare expenses, husband's mandatory overtime, and the parties' other children, and there was lack of competent, credible evidence in the record as to income and other expenses of the parties, R.C. 3119.01(C); however, trial court's refusal to adopt a de facto termination date is affirmed, R.C. 3105.171(A)(2)(b), where the parties' financial affairs remained intertwined due to wife's bankruptcy.

Divorce/Marriage termination date/Support/Property division. Molnar v. Molnar | 2025-Ohio-5114 | 4th Appellate District | 11/05/2025 In divorce action in which wife challenged the division of property, the trial court erred in not determining the termination date of the marriage where a finding of the duration of the marriage was essential for distinguishing pre-marital, marital, and post-separation assets and liabilities, and wife's claims concerning tracing of assets and award of spousal support are not ripe for review because the duration of the marriage must be considered to make a determination of support or classification of property, R.C. 3105.171.

Divorce/Spousal support/Attorney fee. C.D. v. T.D. | 2025-Ohio-4976 | 6th Appellate District | 10/31/2025

In divorce action, trial court's judgment granting a divorce, awarding custody, and issuing financial orders between the parties requires clarification as to the amount of attorney fee and spousal support awards where the magistrate ordered wife to pay a portion of husband's attorney fees, R.C. 3105.73(A), because evidence shows that she was responsible for prolonging the case, but the amount of the intended award was unclear from the decision—with conflicting amounts—and there remained a question whether the spousal support award, R.C. 3105.18(C)(1), was based on the correct duration of the marriage.

Shared parenting plan/Child support/Deviation. Connelly v. Connelly | 2025-Ohio-4929 | 6th Appellate District | 10/28/2025

In divorce action in which husband sought modification of shared parenting plan, the trial court erred in its deviation from the child support worksheet calculations where the court did not set forth findings of fact supporting its decision to deviate or to make a finding that failure to deviate would be unjust or not in children's best interest, as required under R.C. 3119.23, and the shared parenting plan did not automatically entitle husband to a deviation in amount of support for time spent with children.

Divorce/Counsel disqualification/Witness. Sholar v. Sholar | 2025-Ohio-4883 | 2nd Appellate District | 10/24/2025 In divorce action in which wife sought disqualification of husband's counsel after being confronted by counsel while attempting to leave his law office with her children, trial court's order granting wife's motion for disqualification without a hearing is affirmed where counsel became a central witness to the event when

wife asserted that he withheld the children at his office and threatened her with a restraining order when she retrieved them, counsel was prohibited from acting as both advocate and witness at the trial, Prof.Cond.R. 3.7(a), and husband did not object to wife's motion or request oral argument.

Custody/Sole/Best interest analysis. Mitchell v. Geiger | 2025-Ohio-4808 | 10th Appellate District | 10/21/2025 In divorce action, the trial court's order granting father's motion to terminate the parties' shared parenting plan and awarding sole custody of their minor child to the mother is reversed where the court failed to conduct the required best-interest-of-the-child analysis under R.C. 3109.04(E)(2)(c)–(d) and 3109.04(F)(1), which mandates consideration of factors such as each parent's relationship with the child, the child's adjustment, and the parties' ability to cooperate, while citing parental hostility and multiple contempt motions was insufficient to show that all relevant statutory factors were evaluated; there is a dissenting opinion.

Prenuptial agreement/Property division/Unequal/Reasoning. Slabe v. Slabe | 2025-Ohio-4722 | 11th Appellate District | 10/14/2025 In divorce action in which the parties challenged the division of assets and calculation of support, trial court's judgment is affirmed in part and reversed in part where the parties' prenuptial agreement was valid since wife failed to prove fraud or material misrepresentation regarding the husband's interest in his separate family business; however, the trial court erred in failing to provide reasoning for its unequal division of marital assets where a distributive award cannot be made from marital property, and from the trial court's ruling, it might be presumed the court determined that equitable considerations demanded that wife receive nearly all the marital assets, but the appellate court would not make such a presumption on appeal, so

the case is remanded for the trial court to make specific findings supporting any unequal division under R.C. 3105.171(C)–(G).

Property division/Classification of property. E.A. v. A.A. | 2025-Ohio-4583 | 8th Appellate District | 10/02/2025 In divorce action, the trial court erred in declining to classify husband's interest in businesses as either marital or separate property where the court took husband's business interests into consideration when dividing property and awarding attorney fees but did not specifically classify businesses as separate or marital property, husband was not listed as title owner of businesses but had at least some ownership interest, and the question remains whether the businesses should be equitably divided as part of a distributive award to wife, R.C. 3105.171(B).

Adoption/Consent/Parentage. In re Adoption of T.D.A. | 2025-Ohio-4548 | 9th Appellate District | 09/30/2025 In petitioner's action seeking to adopt stepchild, trial court erred in granting biological mother's motion to dismiss the petition, in which she argued that she withdrew consent, and the court also erred in declaring that petitioner was child's natural parent where biological mother had standing to appeal because she was the aggrieved party regarding the declaration of parentage, the court violated the party presentation principle in making the parentage declaration because neither party raised petitioner's status as natural parent, and petitioner's objections must be considered on remand.

Divorce/Complaint to enforce/Relief from judgment/Timeliness. Kittel v. Hunt | 2025-Ohio-4570 | 6th Appellate District | 09/30/2025 In divorce action in which husband filed a Civ.R. 60(B) motion for relief from judgment more than 30 years after the divorce judgment was issued, the trial court erred in denying husband's motion where the original judgment ordering

husband to pay a lump sum to wife became dormant, wife took no steps to revive it under R.C. 2325.15 and 2325.18(A), and husband's motion was not untimely, in spite of his failure to provide evidence to explain the long delay from the date of the original judgment, because the husband's motion was filed within a reasonable time following the triggering event—wife's complaint to enforce the divorce judgment in another state.

Spousal support/Withholding order/Direct payments. Kemmler v. Kemmler | 2025-Ohio-4516 | 3rd Appellate District | 09/29/2025

In divorce action, the trial court erred in denying husband's motion to terminate spousal support withholding order that required him to make spousal support payments through the child support enforcement agency (CSEA) and to incur a two percent processing charge where husband's signature on judgment entry of divorce did not constitute agreement to make payments through the CSEA for the duration of his spousal support obligation, direct spousal support payments to wife were permitted under R.C. 3121.441(A) because husband no longer had a child support obligation, and husband showed that the withholding order exacted significant cost in processing fees.

Divorce/Emergency custody/Mandamus. State ex rel. Conomy v. Fuller | 2025-Ohio-4411 | Supreme Court of Ohio | 09/24/2025

In divorce custody dispute, dismissal of husband's petition for a writ of mandamus to compel judge to rescind dismissal of husband's emergency custody motion and to award him custody, as well as to award damages under R.C. 2731.11, is affirmed since mandamus cannot be used to control judicial discretion or as a substitute for appeal, R.C. 2731.03, dismissal of petition precluded husband's damages claim, R.C. 2731.11, which allows damages only when a writ issues, and although husband's prior

appeal was dismissed for lack of a final appealable order, husband retains an adequate remedy at law by appealing once a final custody determination is entered, R.C. 2731.05; as well, husband's motions to amend his appendix, to refer the case to a special master, and to strike affidavits, are denied as being procedurally improper.

Divorce/Employment order/Due process. Tassone v. Tassone | 2025-Ohio-4389 | 10th Appellate District | 09/18/2025 In divorce action, the trial court erred in sua sponte ordering husband to seek employment on magistrate's finding that husband was unemployed, yet was capable of being employed, where husband was not provided due process, requiring that he be put on notice about the possibility of being ordered to seek employment and that he be provided an opportunity to be heard on the issue, father did not challenge the amount of child support he was ordered to pay, and there was no indication as to what the trial court relied upon for factual findings required by R.C. 3121.03(D)(1), which provides that the court shall issue an order requiring an obligor, if able to engage in employment, to seek employment.

Financial misconduct/Company funds. Vickroy v. Vickroy | 2025-Ohio-4364 | 4th Appellate District | 09/12/2025 In divorce action, the trial court erred in failing to rule on husband's motions asserting that wife engaged in financial misconduct where there is evidence that wife spent the parties' company funds after the company had been awarded to husband, and the questions remain whether her spending was financial misconduct and whether husband should be allowed to offset the entire amount of her draw against the equalization payment he owed wife, rather than just half of the amount, as the court ordered.

Marriage annulment/Declaratory relief/Jurisdiction/Domestic relations division. Tabbosha v. Abdelrehim | 2025-Ohio-3133 | 1st Appellate District | 09/03/2025 In plaintiff's action in the general division of common pleas court seeking a declaration that, under Ohio law, he was not married to defendant, after a court in a foreign country ruled that the parties were in a marital relationship, the court of appeals modified trial court's judgment to reflect that plaintiff's requests for declaratory relief are dismissed for lack of subject-matter jurisdiction where the general division lacked jurisdiction over plaintiff's claims that effectively sought an annulment—a remedy governed by R.C. Ch. 3105 and exclusively assigned to the domestic relations division, R.C. 2301.03(B)(2)—since annulment is a special statutory proceeding that cannot be bypassed via declaratory judgment (State ex rel. Albright v. Haber, 60 Ohio St.3d 40 (1991)).

Guardian ad litem fees/Interlocutory order/Appeal. E.A.K.M. v. M.A.M. | 2025-Ohio-2946 | Supreme Court of Ohio | 08/21/2025 In divorce action in which trial court appointed guardian ad litem (GAL) and the parties made partial payment of GAL fees prior to wife's motion to dismiss, followed by reinstatement of the case and trial court's issuance of an interlocutory order granting GAL's motion seeking fees incurred during the dismissed and refiled cases, which husband appealed, court of appeals' ruling that the interlocutory GAL fees order was final and appealable, R.C. 2505.02(B)(2), on reasoning that it affected a substantial right in a special proceeding, is reversed since a pretrial order for GAL fees does not affect a substantial right, as Civ.R. 75(B)(2) does not entitle a party to enforce or protect a right to payment or nonpayment of such fees, and effective relief can be provided only after final judgment in which trial courts can adjust or order reimbursement of fees.

Family Law and Domestic Relations (Continued)

Civil protection order/Domestic violence. T.C. v. M.C. | 2025-Ohio-2995 | 10th Appellate District | 08/21/2025 In action by petitioner—who was in the process of filing for divorce from respondent-husband—seeking a domestic violence civil protection order against respondent for engaging in verbal and physical violence against her, trial court’s denial of the petition is reversed where implicit in the court’s characterization of the parties’ altercation as “fisticuffs” was that respondent attempted or caused bodily harm to petitioner, R.C. 3113.31(A)(1)(a), and petitioner’s testimony supported the conclusion that respondent committed domestic violence against her.

Health Care

Medicaid/Nursing home quality incentive/Calculation. State ex rel. LeadingAge Ohio v. Ohio Dept. of Medicaid | 2025-Ohio-3066 | Supreme Court of Ohio | 09/02/2025 Relators-associations’ petition for a writ of mandamus to compel state Medicaid department to recalculate nursing home quality incentive payments in accordance with R.C. 5165.26(E)(1)(a) is granted since the department used 60% of the change in the “price” (the group-wide cost per case-mix unit) instead of 60% of the change in each nursing facility’s “rate for direct care costs” (which is calculated by multiplying the rebased price by the facility’s individual case-mix score) where the court held that the statute’s language was unambiguous: the formula requires using the change in the rate for direct care costs, which incorporates both the rebased price and the facility’s case-mix score, not just the group-wide change in price; as well, the court denied the department’s motion to dismiss as moot, since the statutory formula remains in effect beyond the biennium appropriation, rejected department’s “unclean hands”

defense, and denied relators’ unsupported request for attorney fees and expenses.

Insurance

Motor vehicle/Consent/Misrepresentation/Reconsideration. Grange Indemn. Ins. Co. v. Harden | 2025-Ohio-5212 | 7th Appellate District | 11/13/2025 In insurer’s action seeking a declaration that it had no duty to provide coverage to insured following an accident in which the driver of insured’s vehicle injured the victim, resulting in summary judgment for insurer, which the instant court reversed and remanded on reasoning that there was a question of fact whether the driver stole the vehicle from insured or operated it with insured’s consent, insurer’s App.R. 26 application for reconsideration is denied where the misrepresentation provision in insured’s policy was not invoked because neither the injured accident victim nor the driver was accused of making a false claim, there would be no viable claim if insured made a false claim about the vehicle being stolen, and there was no error to be reconsidered, only disagreement with the court’s reasoning.

Medical malpractice/Arbitration/Bad faith. U.S. Acute Care Solutions, L.L.C. v. Doctors Co. Risk Retention Group Ins. Co. | 2025-Ohio-5010 | Supreme Court of Ohio | 11/06/2025 In insured-emergency care services company’s action against insurer, alleging bad faith in handling claims and seeking to recover the amount of self-funded settlement payment in underlying medical malpractice case, the court of appeals erred in reversing trial court’s order to stay proceedings and to compel arbitration where the policy’s arbitration clause—covering any dispute between the parties relating to the policy, including any disputes regarding insurer’s contractual obligations—is a broad clause, creating a presumption of arbitrability under R.C. 2711.01, and the bad faith claim could not be

maintained without reference to the insurance contract or to the insurer-insured relationship; as well, the tort nature of the claim did not remove it from arbitration.

Vehicle/Financing/Arbitration. Price v. Jeff Wyler Eastgate, Inc. | 2025-Ohio-4707 | 12th Appellate District | 10/14/2025 After car purchasers submitted financial information to dealership, signed purchase and installment agreements that both included arbitration provisions, and made a down payment, but were ultimately required to return the car because financing had been declined, in purchasers’ fraud, consumer and related claims action alleging, inter alia, dealership’s fraud for falsifying purchasers’ financial information in order to increase odds that financing would be approved, trial court’s order granting dealership’s motion to stay pending arbitration is reversed where purchasers challenged the validity of the arbitration provisions, and R.C. 2711.02(B) required the court to determine whether the agreements to arbitrate were valid before granting the stay.

Motor vehicle/Consent/Misrepresentation. Grange Indemn. Ins. Co. v. Harden | 2025-Ohio-4579 | 7th Appellate District | 10/01/2025 In insurer’s declaratory judgment action seeking to deny liability coverage under insured-vehicle owner’s policy for injuries sustained in an accident, trial court’s judgment in favor of insurer is reversed where trial court had reasoned that coverage was unavailable either because the vehicle was stolen or, alternatively, because the insured vehicle owner’s misrepresentation that it was stolen triggered the policy’s fraud provision—even if the driver had consent—but the appellate court held that this reasoning was premature since the question whether the driver stole the vehicle or operated it with the owner’s consent remained a disputed issue of fact, and because the driver

himself made no misrepresentation and his insured status depended on consent, the trial court must resolve the factual dispute before determining coverage, R.C. 2721.10.

Juvenile

Custody/Kin/Best interest. In re K.C. | 2025-Ohio-5047 | 8th Appellate District | 11/06/2025 Award of legal custody of dependent child to foster parents is reversed since, while the trial court properly determined under R.C. 2151.4119 that the foster parents could be treated as “kin” for permanency purposes under the Kinship Caregiver Act, R.C. 2151.4115–.4122, the record lacked findings explaining why legal custody to foster parents rather than relatives was in child’s best interest where best-interest findings under R.C. 2151.414(D) and 3109.04(F) (1) were required regarding all proposed custodians, including the child’s great-grandmother and great-uncle, R.C. 2151.353(A)(3); mother did not object to the child’s placement under R.C. 2151.417(A) or propose any modification under R.C. 2151.412(F)(2).

Custody. In re J.W. | 2025-Ohio-5031 | 1st Appellate District | 11/05/2025 In custody action in which mother challenged modification of the parties’ parenting plan granting father equal sharing of parenting time, judgment is affirmed where evidence showed that father was able to accommodate the parenting schedule, and his involvement with child had improved, child was well adjusted at both parents’ homes, and parents were cooperating; as well, father’s testimony regarding mother’s alleged prior violent conduct was properly admitted as relevant background concerning father’s avoiding communication and interactions with mother, R.C. 3109.04(E)(2).

Guardian ad litem/Fees/Allocation. Grossman v. Morrison | 2025-Ohio-5016 | 10th Appellate District | 11/04/2025 In custody dispute among parents and grandmother, the trial court erred in holding mother in contempt for nonpayment of guardian ad litem fees where guardian’s fees were initially allocated to father and grandmother, but subsequent orders assigned a portion of the fees to mother, and guardian’s motion for contempt against mother did not comply with Juv. Loc.R. 27(K) by failing to provide information about all accrued fees, the court did not determine mother’s ability to pay under Sup.R. 48.02(H), and the trial court lacked authority to jail mother for failure to pay fees under Juv.R. 4(G).

Custody/Best interest/Statutory provision. In re S.I. | 2025-Ohio-4946 | 5th Appellate District | 10/29/2025 Award of permanent custody to agency of dependent, neglected, and abused child as to mother and dependent child as to father-appellant is vacated and remanded to the trial court where the court found under R.C. 2151.414(E)(1) that the parents failed continuously and repeatedly to remedy the conditions leading to removal, but the court did not specify which subsection of R.C. 2151.414(B)(1)(a)–(e) it relied upon to authorize the order granting permanent custody, and because the statute requires the court to make an explicit finding under one of those subsections—before determining the child’s best interest under R.C. 2151.414(D)—the omission rendered the order incomplete and subject to reversal; the case is remanded for the trial court to clarify its findings under R.C. 2151.414(B)(1) based on the existing record, so a new evidentiary hearing was deemed unnecessary.

Custody/Jurisdiction/Home state/Significant connection. In re A.N.D. | 2025-Ohio-5184 | 4th Appellate District | 10/28/2025 In alleged paternal grandparents’ action seeking ex parte emergency and legal custody of child, the trial court did not err in vacating prior orders granting alleged grandparents both ex parte emergency and legal custody of the minor child and in further dismissing the entire case for lack of jurisdiction where child had not been in the state long enough to satisfy home state requirements, R.C. 3127.01(B)(7), alleged grandparents failed to establish that the court had significant-connection jurisdiction over child, there was no evidence that a court from another state declined to exercise jurisdiction, which would result in the trial court’s jurisdiction as the more appropriate forum for custody matters involving the child, R.C. 3127.15(A)(3), and the court did not have default jurisdiction, R.C. 3127.15(A)(4); R.C. Ch. 3127 is the Uniform Child Custody Jurisdiction and Enforcement Act.

Visitation/Jurisdiction/Probate court/Adoption. State ex rel. T.B. v. Brown | 2025-Ohio-4484 | Supreme Court of Ohio | 10/01/2025 After juvenile court judge lifted a stay on proceedings, reinstated child’s birth mother’s motion for visitation, and ordered the motion to be heard by a magistrate, and relators-proposed adoptive parents filed petitions for a writ of prohibition to prevent the magistrate’s hearing and for a writ of mandamus to compel the judge to vacate his order, arguing that their adoption petition was pending in the probate court, depriving the juvenile court of jurisdiction, the Ohio Supreme Court denied both writs, holding that the juvenile court retained continuing jurisdiction under R.C. 2151.353(F)(1) and 2151.417(A) to issue dispositional and visitation orders for abused, neglected, or dependent children until age 18—which the child was—or final adoption, and because no preadoption placement order had been issued by the probate court,

Juvenile (Continued)

there was no jurisdictional conflict; as well, the Court granted respondents' motion to maintain the evidentiary record under seal.

Dependency/Custody. In re A.M. | 2025-Ohio-4435 | 10th Appellate District | 09/23/2025 Adjudication of child as dependent and award of permanent custody to agency are reversed on reasoning that trial court lacked clear and convincing evidence to support a dependency finding, R.C. 2151.04(C), which requires that child's condition or environment warrant the state assuming guardianship, the trial court's reliance on factors such as the father's housing status, employment history, marijuana use, and diabetes did not establish a legitimate risk of harm to child, and dependency must be assessed based on circumstances existing at the time of the complaint, not prior history; as well, agency's claim of abandonment, R.C. 2151.414(B)(1), was without merit where missed visits were largely attributable to agency delays and scheduling conflicts, rather than the father's lack of effort.

Custody/Name change/Notice/Due process. In re J.S.R. | 2025-Ohio-4407 | 12th Appellate District | 09/22/2025 In custody dispute in which child had always used the mother's surname, shared with siblings, where father filed a paternity action seeking custody, visitation and support, without requesting child's name change in his pleadings, but at the hearing, father's attorney raised the issue of a surname change for the first time, trial court's judgment granting the name change is reversed on reasoning that proceeding without notice violated mother's due process rights under the Fourteenth Amendment and Ohio Const. Art. I, Sec. 16; while R.C. 3111.13(C) authorizes juvenile courts to decide surname issues, parties must receive notice reasonably calculated to allow preparation, so the case is remanded.

Custody/Contempt/Court costs.

Homon v. Curtis | 2025-Ohio-4322 | 3rd Appellate District | 09/15/2025 In custody action in which father was found in contempt for violating the parties' shared parenting plan by not reimbursing mother for child's medication costs, the trial court erred in declining to assess court costs against father where, although mother was not awarded attorney fees because she did not show which portion of total amount of attorney fees were related to the successful contempt motion, the trial court was required to assess court costs arising out of the contempt proceeding pursuant to R.C. 3109.051(K).

Custody/Legal/Dependency/Best interest/Dissent.

In re E.H. | 2025-Ohio-3185 | 9th Appellate District | 09/08/2025 Award of legal custody of dependent and neglected child and dependent, neglected and abused child to family friends and denial of maternal grandmother's custody motion are reversed where, after the adjudication, the juvenile court was required to base any dispositional decision solely on the children's best interest under R.C. 2151.353(A), guided by the factors in R.C. 2151.414(D)(1) and, for additional reference, R.C. 3109.04(F)(1), and while both the agency and grandmother bore the burden to prove by a preponderance of the evidence that their requested custody was in the children's best interest, the trial court failed to make any findings regarding the best interest of the children when ruling on the father's objection, but instead focused only on reasons to deny grandmother's motion; there is a dissenting opinion.

Custody/Dependency/Best

interest. In re A.W. | 2025-Ohio-3198 | 11th Appellate District | 09/08/2025 In a custody dispute, trial court's order sustaining father's objections to magistrate's decision to award legal custody of dependent child to maternal aunt, with supervised visitation awarded to father, is reversed where the court misapplied the law by

prioritizing the father's "wish to parent" instead of focusing solely on the child's best interest, as required once a child has been adjudicated dependent under R.C. 2151.353; dependency adjudication implicitly includes a finding of parental unsuitability, meaning that the father's rights did not override the child's welfare, and the record showed that child was bonded with her aunt, who already cared for several siblings, while evidence showed that father had problems in several areas of his life, including ongoing drug use.

Custody/Magistrate's decision/Adoption by court/Objections/

Transcript. In re D.T. | 2025-Ohio-3149 | 8th Appellate District | 09/04/2025 In custody action, the trial court erred in denying father's motion to modify custody/shared parenting/and parenting where father timely filed objections to magistrate's decision, and his request for a transcript was granted, but the trial court's judgment adopting the magistrate's decision as to custody was issued prior to ruling on father's objections and prior to the transcript being filed with the court, so the court could not have conducted the independent review required by Juv.R. 40(D).

Custody/Jurisdiction/Age/Best

interest. In re B.T. | 2025-Ohio-3019 | 12th Appellate District | 08/28/2025 Award of permanent custody of two dependent children to agency is reversed where the ruling regarding son is vacated because he turned 18 years-old before the order was issued, and under R.C. 2151.353(F)(1), the juvenile court could retain jurisdiction past age 18 only to continue an existing disposition (e.g., temporary custody until high school graduation), not to enter a new order of permanent custody; as to daughter, the agency failed to prove by clear and convincing evidence that permanent custody was in her best interest, R.C. 2151.414(D), where the record showed that father maintained

steady employment, had no substance abuse or criminal issues, consistently visited daughter, and shared a strong bond with her, while the agency provided only nominal housing assistance and did not make reasonable reunification efforts, R.C. 2151.419(A)(1).

Endangering children/Domestic violence/Sentencing/Prior juvenile adjudication. State v. Morrell | 2025-Ohio-2878 | 5th Appellate District | 08/14/2025 In juvenile's conviction by a guilty plea to endangering children, R.C. 2919.22(B)(1), and domestic violence, R.C. 2929.25(A), and imposition of a six-to-nine-year sentence after the trial court found prison mandatory based on a prior adjudication of aggravated robbery, the court of appeals, citing Hand, reversed, reaffirming that juvenile adjudications are not criminal convictions and cannot be treated as one for adult sentence enhancement, even when a serious youthful offender (SYO) specification provides a right to a jury trial, since SYO cases remain juvenile proceedings focused on rehabilitation, and the possibility of a blended sentence does not convert the adjudication into an adult conviction, R.C. 2152.13 and D.H., rendering the imposition of the sentence enhancement unconstitutional; remanded for resentencing.

Custody/Procedure/Remand/ Analysis. In re D.R. | 2025-Ohio-2839 | 10th Appellate District | 08/12/2025 Award of permanent custody of child to agency is reversed where the case had been remanded to the trial court to properly analyze the R.C. 2151.414(D)(1) best interest factors in light of evidence contained in the record, and the remand instructions did not require the trial court to hold a hearing, but the trial court did not make independent findings or satisfy its obligation to engage in a complete analysis of child's best interest, and there were no findings related to the child or father in the

years between the original trial and the entry on remand, so the case is remanded for further proceedings.

Custody/Waiver of rights/Knowing and voluntary. In re N.C. | 2025-Ohio-2724 | 9th Appellate District | 08/04/2025 Award of permanent custody of dependent child to agency was error where, although parents stipulated to permanent custody and waived their rights to a contested custody hearing, the court did not personally address either parent to ascertain whether they had knowingly and voluntarily agreed to permanent custody and to confirm that they understood the consequences of the stipulation; as well, there was evidence that the stipulation was given based on the condition that mother would be permitted to have some continued contact with child, R.C. 2151.414.

Delinquency/Discretionary transfer to adult court. State v. Peaks | 2025-Ohio-2707 | 2nd Appellate District | 08/01/2025 Court of appeals affirms juvenile court's grant of state's motion for discretionary transfer to adult court of a 15 year-old juvenile at the time of the charged offenses pursuant to R.C. 2152.12(B) where the juvenile court held an amenability hearing and concluded that the juvenile was not amenable to rehabilitation in the juvenile system and that the safety of the community required adult sanctions, with the court of appeals weighing the factors under R.C. 2152.12(D) and (E), finding six factors favoring transfer, including juvenile's use of firearms, harm to victims, including the death of one victim, gang involvement, and failure of prior rehabilitation efforts, and the appellate court found no factors against transfer, and although a defense expert opined the juvenile was amenable to treatment in the juvenile system, the appellate court credited the testimony of the state's psychologist, who emphasized the juvenile's long-standing behavioral issues, resistance to treatment, and high risk of future violence.

Labor and Employment

Discrimination/Race/Termination. Croley v. JDM Servs., L.L.C. | 2025-Ohio-4762 | 10th Appellate District | 10/16/2025 In heavy equipment operator's action hostile work environment, race discrimination, and retaliation against employer for terminating his employment after he reported acts of racial threats against him, summary judgment in favor of employer is reversed where operator found a noose hanging from his excavator, which was a form of harassment based on race sufficient to demonstrate a hostile work environment, and the question remains whether employer took reasonable steps to correct the alleged discriminatory behavior and whether operator's termination for insubordination was pretextual.

Unfair labor practice/Arbitration/ Notice/Timeliness/Union representation. State ex rel. Staple v. State Emp. Relations Bd. | 2025-Ohio-4698 | Supreme Court of Ohio | 10/15/2025 In terminated employee's claim that city-employer committed unfair labor practices, R.C. Ch. 4117, court of appeals' order granting employee's petition for a writ of mandamus to compel the state employment relations board (SERB) to consider his claim on the merits is affirmed in part and reversed in part and remanded where SERB abused its discretion in dismissing charges against the city-employer for refusing to arbitrate employee's termination dispute on the basis of timeliness since under the parties' collective-bargaining agreement incorporating the American Arbitration Association's Labor Arbitration Rules, only an arbitrator could determine procedural issues such as the timeliness of a notice to arbitrate, R.C. 4117.11(A)(1), and the court also found that SERB erred by dismissing, without explanation, a claim that the police union caused the city to commit an unfair labor practice, R.C. 4117.11(B)(2); however, SERB's dismissal of the employee's separate charge that the union

Labor and Employment (Continued)

failed to fairly represent him, R.C. 4117.11(B)(6), where employee had executed a waiver releasing the union from representation duties, is affirmed, and there is a dissenting opinion.

Discrimination/Allegations/Judgment on the pleadings.

Banks v. Leading Families Home, Inc. | 2025-Ohio-4493 | 6th Appellate District | 09/26/2025 In plaintiff-employee's employment discrimination and breach of employment contract action against defendant-former employer, alleging conduct that forced her to resign her position, the trial court's order granting defendant's motion for judgment on the pleadings is reversed where the cumulative effect of allegations in plaintiff's complaint set forth facts that demonstrated plausible entitlement to relief on both claims, and defendant's general denials of allegations did not warrant dismissal of claims at the pleading stage.

Defamation/Emotional distress/Retaliation/Due process. Johnson v. Port Clinton | 2025-Ohio-3100 | 6th Appellate District | 08/29/2025

In employee-former fire chief's action for defamation, intentional infliction of emotional distress, retaliation, and due process violation, trial court's order granting city's Civ.R. 12(C) motion for judgment on the pleadings is reversed regarding the defamation claim where employee adequately pleaded a claim that city published false statements, with actual malice, accusing him of "intentional misuse of public funds," which constituted defamation per se since it imputed a crime of dishonesty; however, the court's order is affirmed regarding intentional infliction of emotional distress since city's alleged conduct did not meet the "extreme and outrageous" standard, regarding retaliation, because Ohio law recognizes retaliation only under R.C. 4112 in the context of discrimination, and regarding

due process violation, because Ohio Const. Art. I, Sec. is not self-executing, and R.C. 124.34 and 124.40 provide adequate statutory remedies.

Professor/Termination/Arbitration award/CBA. Univ. of Toledo v. Am. Assn. Univ. Professors | 2025-Ohio-3008 | 6th Appellate District | 08/22/2025 In case in which university professor's employment was terminated on the basis of four alleged policy violations, and association filed a grievance for arbitration—pursuant to the parties' collective bargaining agreement (CBA)—resulting in arbitration award to reinstate professor, trial court erred in vacating the award where the arbitrator did not exceed his authority under R.C. 2711.10(D) because he acted within the scope of the contract, the award was rationally derived from terms of the CBA, and the award was not arbitrary, capricious, or unlawful and must be confirmed under R.C. 2711.09.

Contract/Termination/Cause/Fact disputes. Weitzel v. Flight Servs. & Sys., Inc. | 2025-Ohio-2867 | 8th Appellate District | 08/14/2025

In employee's action against his former employer and related defendants for breach of written employment contract, trial court's order granting summary judgment in favor of employer is reversed in part where, although employer claimed the termination was "for cause" under the agreement—based on alleged gross negligence or willful misconduct—the appellate court found genuine issues of material fact remain as to whether the plaintiff's conduct met that standard, and the court also identified unresolved issues regarding the employer's failure to pay severance benefits and provide 60 days' written notice of termination, so the case is remanded for further proceedings on the breach-of-contract claim against the employer only; as well, summary judgment is affirmed as to all other claims and defendants.

Procedure

Disqualify counsel/Necessary witness. Shoregate Towers NS, L.L.C. v. Ruple Builders, Inc. | 2025-Ohio-5287 | 11th Appellate District | 11/24/2025 In plaintiff-property owner's slander of title action against defendants-subcontractor and counsel, alleging that defendants' affidavit of mechanic's lien was fraudulent per se where plaintiff filed a motion to disqualify defendants' counsel due to a conflict of interest and because counsel was a necessary witness as the person who drafted, executed, and filed the allegedly fraudulent affidavit of mechanic's lien, the trial court's order granting plaintiff's motion to disqualify counsel is affirmed since counsel was a necessary witness because he had material information that no one else could provide concerning drafting of affidavit, counsel was not allowed to act as an advocate when he was also a necessary witness, Prof.Cond.R. 3.7(a), and disqualification would not create a substantial hardship for subcontractor; as well, the court rejected plaintiff's claim of a conflict of interest.

Dismissal/Mediation/Failure to prosecute/Notice. Moutcheu v. Williams | 2025-Ohio-5155 | 10th Appellate | District 11/13/2025 In plaintiff's action seeking damages arising from vehicle collision with defendant, the trial court erred in dismissing the case with prejudice for failure to prosecute where the court misinterpreted the mediator's report by erroneously concluding that the parties had failed to appear for mediation, plaintiff was not notified of the court's intent to dismiss the case for failure to prosecute, as required under Civ.R. 41(B)(1), and the error rendered dismissal procedurally deficient and fundamentally unjust.

Class certification/Renewed/Law of the case. Estate of Mikulski v. Centerior Energy Corp. | 2025-Ohio-5041 | 8th Appellate District | 11/06/2025 In plaintiff's action for breach of contract and related claims against two utility companies in which the trial court granted renewed class certification, trial court's certification as to first utility is reversed because the law-of-the-case doctrine barred reconsideration of class certification as the court had already rejected certification in its earlier decision, based on lack of standing and failure to satisfy Civ.R. 23(B)(3)'s predominance requirement, and the trial court erred by allowing the plaintiff to reassert certification based on new injury theories without amending the complaint or presenting new evidence, violating R.C. 2505.39 and principles of finality, but class certification proceedings could continue against the second utility, as no prior appellate ruling had addressed certification in that case; once class certification is reversed on appeal, the parties may not relitigate the issue based on repackaged arguments unless the complaint is amended or new facts arise.

Municipal court/Jurisdiction/ Money damages. Millbrook Assn., Inc. v. Wills | 2025-Ohio-5108 | 5th Appellate District | 11/06/2025 In homeowners' association's small-claims action against homeowners to collect unpaid dues and fees, dismissal for lack of subject-matter jurisdiction is reversed where the claim was for recovery of money damages only and not excluded by R.C. 1925.02(A), and because restrictive covenants are treated as contracts, the action was at law for money damages, within municipal court's jurisdiction under R.C. 1901.18(A); prior cases involving equitable relief were distinguished, and Ohio's Planned Community Law does not alter municipal court jurisdiction.

Subpoenas/Nonparties/Relevance to claims. RFK Bldg., L.L.C. v. RELD & G Ent., Inc. | 2025-Ohio-4465 | 8th Appellate District | 09/25/2025 In plaintiff-mortgagor's action against corporate defendants, alleging breach of oral agreement to pay monies pursuant to cognovit note, where defendant promised to apply proceeds from property sales toward repayment of note, denial of appellants-nonparties' motion to quash subpoenas served on them is reversed where plaintiff failed to make prima facie showing that the documents requested in the subpoenas were relevant to claims against defendants or that appellants were involved with the note or with defendants, and the requested documents were not reasonably calculated to lead to discovery of admissible evidence, Civ.R. 34(C).

Witness list/Failure to provide/ Sanction. Cambridge Mgt. of SEO, L.L.C. v. Babar Invest., Inc. | 2025-Ohio-4441 | 5th Appellate District | 09/23/2025 In plaintiff-undeveloped property owner's trespass action against defendants-neighboring hotel owners, alleging that storage containers were placed on property without permission, the trial court erred in granting defendants' motion for a directed verdict after the court concluded that defendants were unable to prepare for trial without a witness list from plaintiff where defendant knew about likely witnesses and probable testimony, and the court should not have barred plaintiff's witnesses from testifying because its own order allowed testimony and any sanction imposed for plaintiff's type of mistake should be proportional to both the violation itself and the prejudice suffered by the non-violating party.

Certificate of qualification/Final release date/Hearing. McKittrick v. State | 2025-Ohio-3047 | 6th Appellate | District | 08/26/2025 Denial of appellant-former inmate's petition for certificate of qualification for employment is reversed where

trial court summarily denied the petition based on R.C. 2953.25(B)(4)(a) on reasoning that the statutory waiting period had not lapsed, but R.C. 2953.25(B)(4)(b) authorizes the state department to establish criteria allowing an individual to file a petition before the expiration of six months or one year from the date of final release, under the criteria as set forth in Ohio Adm. Code 5120-15-01(C), and appellant was entitled to a full hearing under these provisions.

Class action/Water service charges/Compliance with Civ.R 23/ Dissent. Hilton v. Lorain | 2025-Ohio-3015 | 9th Appellate District | 08/25/2025 In plaintiffs-citizens' action against defendants-city and affiliated parties, alleging that they were charged excessive rates and fees for water services, where plaintiffs filed a motion for class certification, the trial court erred in denying plaintiffs' motion since the court's finding that plaintiffs failed to demonstrate an identifiable and unambiguous class under Civ.R. 23(A) contradicted findings showing that the class met the identifiable and unambiguous requirements under that rule, as well as the requirement of predominance and superiority under Civ.R. 23(B)(3); there is a dissenting opinion.

Service/Sufficiency/Address/Due process/Dissent. Hunt v. Alderman | 2025-Ohio-2944 | Supreme Court of Ohio | 08/21/2025 In personal injury action in which plaintiff refiled complaint against defendant, summary judgment in favor of defendant is affirmed since service by certified mail was insufficient where plaintiffs directed certified-mail service to defendant's former residence, even though they were on notice of address change, the complaint eventually reached the defendant through several intermediaries just days before his answer was due, and while service complied with the mechanics of Civ.R. 4.1(A)(1)(a), it was not "reasonably calculated" to apprise the defendant of the lawsuit, as

Procedure (Continued)

required by due process under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), so because plaintiffs never perfected service within one year, their action was not timely commenced under Civ.R. 3(A); as well, plaintiffs' argument that actual notice cured defective service is meritless since plaintiffs bear the burden of ensuring sufficient service, with actual receipt not substituting for compliance with due process, and there is a dissenting opinion.

Pleading/Complaint/Documents considered/Dismissal. Primal Life Holdings, L.L.C. v. Society Brands, Inc. | 2025-Ohio-2746 | 5th Appellate District | 08/04/2025

In plaintiffs-online company and owner's action against defendants-asset purchasers alleging, inter alia, fraud for misrepresenting terms of purchase, breach of contract, breach of fiduciary duties, and related claims where plaintiffs attached no documents to the complaint, claiming confidentiality, the trial court erred in granting defendants' motion to dismiss on reasoning that recovery was prevented by the relationship between the parties as reflected in their contracts, attached as exhibits to defendant's answer, but the documents referenced in plaintiffs' complaint did not specifically cite to the exhibits submitted by defendants, which plaintiffs moved to strike, any reliance by the court on defendants' exhibits would have been inappropriate for granting a motion to dismiss, and there were sufficient allegations in plaintiffs' complaint to withstand Civ.R. 12(B) (6).

Professional Responsibility

Suspension/Restriction on testimony/First Amendment/Dissent. Disciplinary Counsel v. Grendell | 2025-Ohio-5239 | Supreme Court of Ohio | 11/21/2025 Judge is suspended from the practice of law for 18 months, with

12 months stayed on condition, and there is a finding that Jud.Cond.R. 3.2's broad restriction on testimony and consultation with government officials regarding all but a few topics is a content-based speech restriction in violation of the First Amendment; there is a dissenting opinion.

Suspension/Dissent. Disciplinary Counsel v. Norton | 2025-Ohio-5091 | Supreme Court of Ohio | 11/13/2025 Attorney is suspended from the practice of law for two years, with one year stayed on conditions, with no credit for time served under interim remedial suspension, and with reinstatement on conditions; there is a dissenting opinion.

Application for admission. In re Application of Dempsey | 2025-Ohio-5059 | Supreme Court of Ohio | 11/12/2025 Applicant's pending application for admission to the Ohio bar is disapproved, with permission to reapply after July 1, 2026.

Retirement. In re Retirement of Huber | 2025-Ohio-5007 | Supreme Court of Ohio | 11/04/2025 Attorney's application for retirement as an attorney and counselor at law is accepted, with the court's congratulations, appreciation, and best wishes.

Retirement. In re Retirement of Hart | 2025-Ohio-5008 | Supreme Court of Ohio | 11/04/2025 Attorney's application for retirement as an attorney and counselor at law is accepted, with the court's congratulations, appreciation, and best wishes.

Resignation. In re Resignation of Callahan | 2025-Ohio-4930 | Supreme Court of Ohio | 10/29/2025 Attorney resigned from the practice of law with disciplinary action pending.

Suspension. Disciplinary Counsel v. Taylor | 2025-Ohio-4804 | Supreme Court of Ohio | 10/23/2025

Attorney is suspended from the practice of law for 18 months, with six months stayed on conditions, and with reinstatement on conditions.

Suspension. Disciplinary Counsel v. Wilson | 2025-Ohio-4701 | Supreme Court of Ohio | 10/14/2025

Attorney is indefinitely suspended from the practice of law, with reinstatement on conditions.

Suspension. In re Warczak | 2025-Ohio-4700 | Supreme Court of Ohio | 10/14/2025 Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Grievance/Jurisdiction. Stewart v. Ohio Disciplinary Counsel | 2025-Ohio-3082 | 10th Appellate District | 08/28/2025 In plaintiff's action against defendant-state disciplinary counsel alleging that plaintiff's judicial misconduct grievance against judge in plaintiff's underlying custody action had been dismissed without proper investigation, trial court's order granting defendant's motion to dismiss for lack of subject-matter jurisdiction is affirmed where the Board of Professional Conduct of the Supreme Court of Ohio has exclusive jurisdiction over grievances regarding conduct of members of the bar, Ohio Const. Art. IV, Sec. 5(B) and Gov.Bar R. V(2)(A), and plaintiff's claim that he suffered damages from dismissal of his claim did not confer jurisdiction on the trial court.

Suspension. Disciplinary Counsel v. Stanley | 2025-Ohio-3042 | Supreme Court of Ohio | 08/27/2025 Attorney is issued an interim default suspension from the practice of law.

Application to practice law. In re Application of Aguilar | 2025-Ohio-2951 | Supreme Court of Ohio | 08/21/2025 The court approved applicant's character, fitness, and moral qualifications for admission to the practice of law.

Reinstatement. Lorain Cty. Bar Assn. v. Robinson | 2025-Ohio-2821 | Supreme Court of Ohio | 08/12/2025 Attorney is reinstated to the practice of law.

Resignation. In re Resignation of Mariotti | 2025-Ohio-2824 | Supreme Court of Ohio | 08/12/2025 Attorney resigned from the practice of law, with disciplinary action pending.

Public and Public Finance

Public records/Statutory damages/Contempt/Dissent. State ex rel. Brown v. Columbiana Cty. Jail | 2025-Ohio-5280 | Supreme Court of Ohio | 11/26/2025 Public records requester's requests for statutory damages and for contempt sanctions, arising from his public-records mandamus action, are denied since requester failed to prove—by clear and convincing evidence, as required by R.C. 149.43(C)(2)—that he properly transmitted his public-records requests by hand delivery, certified mail, or authorized electronic submission where his alleged hand-delivery was unsupported, his certified-mail attempt was returned undeliverable, fax transmission does not qualify for statutory damages under R.C. 149.43(C), and requester provided no documentation showing that the third party who emailed the requests had authority to act as his agent; as well, requester's contempt motion under R.C. 2705.02(A) is denied as sheriff complied with the court's earlier limited writ of mandamus, which required sheriff to request responsive records from private jail administrators under the quasi-agency doctrine, and sheriff obtained available records, forwarded responses, and invited requester to clarify overly broad requests; there is a concurring/dissenting opinion.

Public records/Request not received/Attorney fees. State ex rel. Barker v. Muskingum Cty. Prosecutor's Office | 2025-Ohio-5293 | Supreme Court of Ohio | 11/26/2025 Public records requester's petition for a writ of mandamus seeking public records, statutory damages, attorney fees, and court costs is denied since requester failed to prove by clear and convincing evidence, R.C. 149.43(C)(1)(b), that the prosecutor's office ever received his public-records request where the evidence submitted by prosecutor's office showed that requester's attempted online submission "bounced back," meaning no request reached the office, a public office has no duty to respond, R.C. 149.43(B)(1), unless it actually receives a request, and requester failed to make a valid, pre-litigation request, which is a prerequisite to mandamus; as well, statutory damages, R.C. 149.43(C)(2), are denied because requester did not successfully submit a request by certified mail, hand delivery, or authorized electronic means, attorney fees, R.C. 149.43(C)(3)(b), are denied because requester was self-represented, and requester's injunction claim, R.C. 149.351(B), is dismissed for lack of jurisdiction.

Public records/Crime victims/Police officers/Redactions. State ex rel. GateHouse Media Ohio Holdings II, Inc. v. Columbus Police Dept. | 2025-Ohio-5243 | Supreme Court of Ohio | 11/25/2025 Newspaper-public records requester's petition for a writ of mandamus to compel police department to produce unredacted bodycam and dashcam footage of a police shootout where department had provided the video redacted to conceal the identities of the officers is denied since department properly redacted the identities under Marsy's Law, Ohio Const., Art. I, Sec. 10a, which guarantees crime victims privacy rights, police officers are "persons" against whom crimes can be committed and thus qualify as victims under the constitutional definition, and because the

officers were victims of felonious assault and aggravated menacing, their identifying information was protected by the Victim Privacy Law, R.C. 2930.07, which requires redaction of names and other identifiers in "case documents," including audio and video recordings, with this protection incorporated into the Public Records Act, R.C. 149.43(A)(1)(rr), excluding such victim information from the definition of public records; there are dissenting opinions.

Public records/Statutory damages/Existence of records. State ex rel. Ware v. O'Malley | 2025-Ohio-5244 | Supreme Court of Ohio | 11/25/2025 Public records requester's request for award of statutory damages in his public records mandamus action against prosecutor is denied where prosecutor complied with the court's limited writ of mandamus by ordering production of requested personnel and payroll records and certifying, through an affidavit from the office's chief information officer, that no case list existed because those records were maintained only in paper format and the current case management system could not generate such a list; under R.C. 149.43(B), the burden rested on the requester to prove by clear and convincing evidence that requested records existed, and the requester failed to rebut the prosecutor's affidavit or to demonstrate noncompliance.

Public records/Investigation reports/Statutory damages/Dissent. State ex rel. Howard v. Shuler | 2025-Ohio-4964 | Supreme Court of Ohio | 11/04/2025 Public records requester-inmate's petition for a writ of mandamus, R.C. 149.43, to compel inspector at correctional complex to provide investigation reports, grievance dispositions, and surveillance video related to a segregation incident is granted, in part, ordering inspector to produce those public records and awarding statutory damages where inspector improperly withheld the records by

failing to prove the confidential law enforcement investigatory or infrastructure record exemptions under R.C. 149.43(A)(2) and 149.433(A), but the writ of mandamus is denied as to requests for the identity of the segregation-ordering officer since it was previously provided, and later kites were not proven to have reached inspector; as well, requester's request to amend his complaint to increase statutory damages is denied since requester had already amended his complaint once, and he could only amend again with the opposing party's written consent or the court's leave, Civ.R. 15(A), requester's claim for court costs is denied since he filed as indigent, and there is a dissenting opinion.

Public records/Fulfill requests/Self-serving affidavit. State ex rel. Clark v. Dept. of Rehab. & Corr. | 2025-Ohio-4965 | Supreme Court of Ohio | 11/04/2025 Public records requester-inmate's petition for a writ of mandamus, R.C. 149.43, to compel inspector at correctional complex to provide records in response to requests made via electronic "kite" messages is denied where requester failed to prove by clear and convincing evidence that respondent-state department did not fulfill his requests, noting that his own exhibits included confirmation receipts acknowledging receipt of the requested records, and requester's claim that he sent the confirmation receipts "under duress," is without merit since there was no evidence supporting coercion where a self-serving affidavit cannot contradict one's own documentary evidence.

Public records/Inmate's request/Procedural requirements. State ex rel. Harris v. Schwendeman | 2025-Ohio-4769 | Supreme Court of Ohio | 10/21/2025 In public records request case, the court of appeals' order granting

respondent's Civ.R. 12(C) motion for judgment on the pleadings in response to inmate's petition for a writ of mandamus to compel production of records, R.C. 149.43, is affirmed on reasoning that relator-inmate's R.C. 2969.25(A) affidavit—required when inmates commence civil actions—was incomplete because it failed to list a prior federal appeal, and since strict compliance with R.C. 2969.25(A) is mandatory, filing an amended or "updated" affidavit cannot cure a deficient original filing; as well, the court rejected relator's argument that the statute's use of "or" meant he could choose to list either the civil action or its appeal.

Courts/Technology fees/Single service. Gault v. Medina Cty. Court of Common Pleas Clerk | 2025-Ohio-4699 | Supreme Court of Ohio | 10/15/2025 In plaintiff's class action suit challenging the fee of one dollar per page charged under former R.C. 2303.201(B)(1), in addition to the proper one dollar per page charge under R.C. 2303.20(H), for making a complete record following the conclusion of his divorce action, court of appeals' judgment holding that the plain language of R.C. 2303.201(B)(1)—making a complete record constitutes a single service—authorized only a single additional dollar for the entire service, regardless of page count, is affirmed; as well, the court rejected the contrary interpretation in *State v. Hare*, 2019-Ohio-3047, and answered the certified-conflict question by holding that the additional fee is limited to one dollar total.

Public records/Forensic file/Proprietary software. State ex rel. Castellon v. Maloney | 2025-Ohio-4687 | Supreme Court of Ohio | 10/14/2025 Public records requester's petition for a writ of mandamus to compel police department to produce additional public records related to seizure and forensic examination of his cell phone is denied where requester

failed to present clear and convincing evidence, R.C. 149.43(B)(1), showing that any further responsive records existed or that the police had a duty or ability to produce data in another format, and evidence showed that the department provided requester the entire forensic case file and the chain-of-custody spreadsheet, while the Public Records Act does not require release of proprietary software needed to read such data, so requester's argument that the department failed to provide a complete chain-of-custody record and to supply cell phone data in a readable format is without merit; as well, the court denied requests for statutory damages, court costs, and attorney fees, R.C. 149.43(C), because no violation occurred.

Public records/Investigatory records/Security records/Dissent. State ex rel. Snodgrass v. Trumbull Corr. Inst. | 2025-Ohio-4688 | Supreme Court of Ohio | 10/14/2025 Public records requester's petition for a writ of mandamus to compel correctional institution to provide records about a drug-analysis device used by investigators, including its manufacturer, operation, and a specific conduct report, is granted, and the institution's arguments that the records were exempt as confidential law enforcement investigatory records, R.C. 149.43(A)(2), and as security records, R.C. 149.433(A), are without merit since the institution failed to meet its burden of showing that the requested records fell squarely within the prescribed exemptions where the institution's affidavit contained only conclusory statements and did not describe how the requested records revealed investigatory techniques or security information, with the court reaffirming that public-records exemptions are strictly construed against the custodian and that records custodians must provide specific factual support when withholding records; as well, the court held that requester waived an argument on statutory damages,

R.C. 149.43(C)(2), so the court declined to award them, and there is a dissenting opinion.

Public records/Call log/Not a record. Cincinnati Enquirer v. Butler Cty. Sheriff's Office | 2025-Ohio-4621 | 12th Appellate District | 10/06/2025 In public records request case in which requester-media company's complaint alleged that sheriff's office was wrongfully withholding a call log associated with a certain inmate, the trial court erred in adopting special master's recommendation to order production of the requested call log since it was not a record under R.C. 149.011(G) because, even if it existed, it would document only inmate's activities and not sheriff's office organization or activities, and requester's request for information was not a proper public records request under the statute.

Public records/Customized/New record creation. State ex rel. Huwig v. Dept. of Health | 2025-Ohio-4454 | Supreme Court of Ohio | 09/30/2025 Public records requester's petition for a writ of mandamus to compel state department to produce spreadsheets from its death-information and COVID-19 vaccination databases, under the Public Records Act, R.C. 149.43, is denied on reasoning that the requested spreadsheets did not exist and producing them would require the department to run new queries, export results, and redact fields—actions that constitute creating a new record, which is beyond the duty imposed by R.C. 149.43(B)(1)—and since the Act requires disclosure of existing records, not information compiled into new records, requester failed to show a clear legal right to the relief sought; there are dissenting opinions.

Public records/Inmate/Procedural requirements/Trial and appeal report. State ex rel. Harris v. Trelka | 2025-Ohio-4453 | Supreme Court of Ohio | 09/30/2025 Dismissal of

inmate-public records requester's petition for a writ of mandamus to compel production of prison commissary records is affirmed where inmate's complaint failed to comply with R.C. 2969.25(A), requiring an inmate who commences a civil action or appeal against a government entity or employee to file an affidavit describing each civil action or appeal filed within the previous five years, since requester omitted from his affidavit a federal civil appeal he had filed in the Circuit Court, and his argument that he was permitted to disclose either the underlying civil action or its appeal, but not both, is without merit since R.C. 2969.25(A) requires strict compliance and includes appeals within its scope.

Bond levy/Placement on tax list and duplicate. State ex rel. Springfield City School Dist. Bd. of Edn. v. Hamilton | 2025-Ohio-4427 | Supreme Court of Ohio | 09/25/2025 In school district's mandamus action seeking to compel county auditor to collect a voter-approved bond levy through collection year 2031—the final year matching the bonds' maximum maturity—a limited writ of mandamus is granted ordering the auditor to place the levy on the tax list and duplicate for tax year 2025, to be collected in 2026, R.C. 133.18(H), since when the school district certifies the required tax amount by November 30, the auditor has a ministerial duty to include the levy on the tax list for the following year and may not refuse based on the auditor's interpretation of other bond statutes.

Public records/Court of Claims/Jurisdiction. Lavar v. Accel Schools Ohio | 2025-Ohio-3150 | 8th Appellate | District 09/04/2025 In public records requester's action alleging that private school management company had failed to respond, in violation of R.C. 149.43(B), to his public records request for employment files for administrators employed at the

school during specified years, trial court erred in adopting special master's recommendation to deny the company's Civ.R. 12(B)(1) motion to dismiss since the company was a private entity, and jurisdiction of the Court of Claims was not expanded to private entities, R.C. 2743.03(A)(3)(b), so the court lacked jurisdiction to hear the case regardless of whether the company was subject to the Public Records Act.

Trustee appointment/Procedure/Mandamus/Quo warranto. State ex rel. Jennewine v. Puffenberger | 2025-Ohio-3041 | Supreme Court of Ohio | 08/28/2025 Township trustee's petition for a writ of mandamus to compel probate judge to appoint a trustee to formerly vacant position, that had recently been filled by an allegedly improperly appointed replacement trustee, is denied where existing trustees had failed to timely appoint a replacement under R.C. 503.24, so the appointment authority shifted to the committee of five members designated on the last nominating petition—in this case, three committee members, two voting in favor and one abstaining—appointing the replacement trustee, who took the oath and began serving, and even if the committee's process was flawed, the replacement trustee was at least a de facto officer, and the exclusive remedy to challenge her status was quo warranto—not mandamus; because the replacement trustee occupies the office, no vacancy exists, and thus the judge has no legal duty to act.

Legislature investigation/Public function/Attorney-client privilege. Forhan v. Ohio House of Representatives | 2025-Ohio-4336 | Court of Claims | 08/26/2025 In public records requester-former state legislator's action seeking to compel respondent-house of representatives to provide records related to investigations into allegations of inappropriate behavior, special master recommends that the court order

Public and Public Finance (Continued)

respondent to produce drafts of reports of the investigations where, although withheld materials came from respondent's counsel, they were records, R.C. 149.011(G), because the investigations were under respondent's jurisdiction, the records documented a public function, and the records were not exempt as trial-preparation materials, R.C. 149.43(A)(4), or protected by the attorney-client privilege, R.C. 149.43(A)(1)(v); however, special master recommends that request for attorneys' notes be denied on reasoning that requester failed to prove they were public records, R.C. 149.43(A)(1), since they were created solely for the attorneys' personal use.

Public records/Delivery of requests/Damages. State ex rel. Alford v. Diehl | 2025-Ohio-2836 | Supreme Court of Ohio | 08/14/2025 Public records requester's petition for a writ of mandamus seeking to compel respondent-correctional facility inspector to provide copies of previous grievances and the results of investigations regarding theft loss reports is denied where requester failed to show that he mailed or hand-delivered to respondent the paper kite requesting records, requester's claims regarding requests submitted by electronic kite were inconsistent, he did not present evidence that he sent any of the kites listed in the petition, and he was therefore not entitled to statutory damages under R.C. 149.43(C)(2).

Public records/Provided/Exemption/Statutory damages. State ex rel. Baker v. Treglia | 2025-Ohio-2816 | Supreme Court of Ohio | 08/13/2025 Public records requester's petition for a writ of mandamus to compel sheriff to produce additional public records related to requester's criminal investigation is denied on reasoning

that most requested records had either been produced, did not exist, or were exempt from disclosure under R.C. 149.43, where victim's statement was confidential under R.C. 5153.17 as a children's services investigatory record, sexual-assault nurse examiner (SANE) records were exempt as medical records under R.C. 149.43(A)(3), and requester failed to show by clear and convincing evidence that disciplinary records for detective existed, as required under R.C. 149.43(C)(1)(b); however, the court awarded requester statutory damages under R.C. 149.43(C)(2) due to the sheriff's two-month delay in producing 42 pages of responsive records, but the court denied requester's request for reimbursement of copying and shipping charges, citing R.C. 149.43(B)(6), which permits public offices to charge such costs in advance.

Public records. State ex rel. Castellon v. Cuyahoga Cty. Prosecutor's Office | 2025-Ohio-2787 | Supreme Court of Ohio | 08/12/2025 Public records requester's petition for a writ of mandamus, R.C. 149.43, to compel prosecutor to produce various documents related to requester's criminal case, including medical records, a SANE report, DNA reports, a chain-of-custody document, and grand jury minutes is denied where evidence shows that prosecutor had provided all responsive records in its possession, with appropriate redactions, and that requester failed to present clear and convincing evidence that additional records existed or that the redactions were improper, and requester's claims for statutory damages, court costs, and attorney fees are denied on reasoning that prosecutor responded within a reasonable time and did not violate R.C. 149.43(B)(1); there is a dissenting opinion.

Public Utilities

Electric security plan/Basic-transmission-cost rider/Discovery. In re Application of Ohio Power Co. | 2025-Ohio-3034 | Supreme Court of Ohio | 08/27/2025 In Public Utility Commission's (PUCO) approval of utility's application for a fifth electric-security plan, meeting the standard-service-offer requirement, R.C. 4928.141(A), PUCO's decision to continue the basic-transmission-cost rider as non-bypassable, citing R.C. 4928.05(A)(2), which authorizes recovery of transmission-related costs via a reconcilable rider, is affirmed as this approach is consistent with prior practice and does not violate Ohio Adm. Code 4901:1-36-04(B) since the utility remains responsible for providing transmission service to all customers, and intervening utility's arguments under R.C. 4928.143 and 4928.02 were either jurisdictionally barred or insufficient to demonstrate error; as well, where intervening utility submitted a written discovery request, triggering a dispute between the two utilities regarding disclosure of confidential information, PUCO's denial of intervening utility's motion for a broader protective agreement is affirmed, finding no prejudicial error under R.C. 4903.13, as intervening utility failed to show specific harm from its CEO's limited access to confidential discovery under the proposed protective agreement.

Excessive earnings/Future investment/Retention/Refund. In re Application of Dayton Power & Light Co. | 2025-Ohio-2953 | Supreme Court of Ohio | 08/22/2025 Commission's decision allowing utility to retain significant excessive earnings from its electric security plan (ESP) for two years, offsetting these earnings against utility's future capital investment commitments, R.C. 4928.143(F), is reversed on reasoning that the statute mandates a refund to consumers when significantly excessive earnings

are found, “consideration” of future investments must occur within the comparative earnings analysis—not as a basis to nullify refunds—and R.C. 4928.143(F) does not authorize offsets or exceptions once excessive earnings are determined, and doing so violates the statute’s plain language; as well, utility’s cross-appeal arguments for affirmance on alternative grounds, including exclusion of distribution modernization rider revenues and asset write-offs, are without merit, and the case is remanded for a new significantly excessive earnings test (SEET) analysis consistent with the statutory framework.

Real Property

Lease/Security deposit/Withheld.

Bennett v. Esmond | 2025-Ohio-5299 | 6th Appellate District | 11/25/2025 In landlord’s forcible entry and detainer action against tenants, alleging breach of lease agreement, trial court’s judgment that landlord had not wrongfully withheld tenants’ security deposit is reversed where tenants’ amended answer made a counterclaim for wrongful withholding of deposit, R.C. 5321.16, landlord’s withholding was wrongful despite itemization of deductions, and a landlord who wrongfully withholds a portion of a tenant’s security deposit has mandatory liability for damages equal to twice the amount wrongfully withheld, along with reasonable attorney fees, R.C. 5321.16(B) and (C).

Easement/Obstruction/Contempt.

Stone v. Humphress | 2025-Ohio-5171 | 3rd Appellate District | 11/17/2025 In plaintiffs-property owners’ action against defendant-neighbor seeking a declaration as to a “driveway” easement across a portion of neighbor’s land permitting access to plaintiffs’ property by encroaching on land owned by defendant where defendant placed large objects on the easement obstructing plaintiffs’ access to the easement and was ordered by the trial court to remove them,

but subsequently erected a gate across the easement, the trial court erred in denying plaintiffs’ second motion for contempt for defendant’s placement of gate across easement despite court’s earlier order regarding the large objects where, although defendant initially removed obstructions, she created new obstruction which blocked access to easement, and even though she provided reasoning to support enclosing property, she had been explicitly ordered to not block access in any way, and the holding in *Gibbons v. Ebding*, 70 Ohio St. 298 (1904) regarding unreasonable obstruction of easement did not grant her free-reign to erect a gate.

Appropriation/Inverse condemnation/Standing/ Compensation. State ex rel. Boggs v. Cleveland | 2025-Ohio-5094 | Supreme Court of Ohio | 11/13/2025

In property owners’ mandamus action for inverse condemnation to compel city to commence appropriation proceedings of owners’ real property located near airport outside city’s borders, asserting that low overhead flights and other airport operations have interfered with the use and enjoyment of their home to such an extent that it has amounted to a taking of the property, the court of appeals’ judgment dismissing the mandamus action for lack of standing is reversed where, while municipalities generally lack authority to initiate eminent-domain proceedings outside their territory, this does not relieve them of the constitutional duty to compensate for takings, Ohio Const. Art. 1, Sec. 19, and inverse-condemnation mandamus actions allow a property owner to compel appropriation proceedings solely to determine compensation; the case is remanded for the court of appeals to consider the statute-of-limitations argument that it did not address.

Settlement agreement/Fraud or duress/Immediate cash payment. Estate of Hodory v. Duke Realty Corp. | 2025-Ohio-5068 | 1st

Appellate District | 11/07/2025

In plaintiff-estate’s action against defendants-realtor and developers in dispute over commercial real estate, resulting in a settlement agreement, the trial court did not err in denying plaintiff’s motion to set aside the agreement where, although an earlier settlement agreement was unenforceable because there was no meeting of the minds with regard to an easement on the parcel, the later settlement was enforceable because plaintiff failed to prove fraud or duress in reaching the agreement; however, the case is remanded to reflect that the agreement’s provision for an immediate cash payment was contemplated as a component of the total settlement award.

Eviction/Jurisdictional priority/ Judicial bias/Mandamus/ Prohibition. State ex rel. Eldridge v. Kilbane | 2025-Ohio-5053 | 8th Appellate District | 10/31/2025

In dispute between relator and her father about ownership of property, where relator had filed an eviction action in municipal court, prompting father to file action in common pleas court challenging deed to property, relator’s petition for writs of mandamus and prohibition seeking to compel respondent-common pleas judge to dismiss underlying eviction and quitclaim actions for lack of jurisdiction—asserting that the municipal court had jurisdiction over the matter rather than the common pleas court—respondent’s motion to dismiss is granted where the priority of jurisdiction rule did not apply because causes of action and the requested relief were not the same in the underlying cases; as well relator also sought to have respondent disqualified for judicial bias, but respondent’s behavior towards relator did not deprive the common pleas court of jurisdiction or warrant a writ of prohibition to absolve relator from appearing in that court.

Solar panels/Association**restrictions/Reasonableness/**

Dissent. Horne v. Adena Pointe Homeowners Assn., Inc. | 2025-Ohio-4916 | 3rd Appellate District | 10/27/2025 In plaintiffs-homeowners' action against defendant-owners association, seeking a declaration that they were entitled to install solar panels on their home without restrictions, summary judgment in favor of plaintiffs is reversed where, under R.C. 5312.16, which governs property owners' rights to install solar energy collection devices in planned communities and allows homeowners associations to impose reasonable restrictions, plaintiffs failed to demonstrate that the restriction was so unreasonable that no factual dispute could exist, and questions remain whether the restrictions were reasonable and whether adoption of the restriction was within the scope of defendant's authority; there is a dissenting opinion.

Tenant/Maintenance charges/**Calculation.** Harder Invests.,

L.L.C. v. Perin-Tyler Family Found.,

L.L.C. | 2025-Ohio-4706 | 12th

Appellate District | 10/14/2025 In

commercial tenant's action against landlord, disputing common area maintenance charges, the trial court erred in calculating real estate taxes on only the developed portion of the property as part of the maintenance charges where the lease unambiguously required tenant's proportionate share of real estate taxes to be calculated on the entire parcel and contained no provision authorizing different treatment of those taxes from any other maintenance expenses; as well, extrinsic evidence was improperly considered in construing lease's terms.

Occupancy application/Appeal/**Notice.** FAM 13375, Inc. v. Brook

Park Bd. of Zoning Appeals |

2025-Ohio-4668 | 8th Appellate

District | 10/09/2025 In plaintiff's administrative appeal in common pleas court of defendant-board of zoning appeals' denial of plaintiff's application for an occupancy permit for property, trial court's order granting defendant's motion to dismiss the appeal is reversed where plaintiff timely filed a proper notice of appeal, R.C. 2505.03 and 2505.04, and defendant failed to demonstrate that plaintiff was required to specifically state that its appeal was being brought under R.C. 2506.01 or was required to invoke the language of R.C. 2506.04.

Conditional use permit/General standards/Public health and safety.

SRM Materials, L.L.C. v. German

Twp. | 2025-Ohio-4605 | 2nd

Appellate District | 10/03/2025

In property owner's application seeking a conditional use permit to expand sand reclamation operation onto adjacent properties zoned as an agricultural district, the trial court's order affirming township board of zoning appeal's denial of application is reversed where the board relied on general standards of the township zoning resolution without regard to determining whether compliance was in the interest of public health and safety; as well, R.C. 519.141(A) does not provide a board of zoning appeals with a basis for denying an application to engage in mining—as in the instant case—when the application fails to meet a township's general conditions.

Foreclosure/Lien priority/Proceeds**distribution.** Bank of New York

Mellon v. Cox | 2025-Ohio-4406 |

12th Appellate District | 09/22/2025

In action in which bank foreclosed on owners' property, which was sold and the bank was paid, where the foreclosure decree recognized junior lienholder's interest as inferior to the bank's and transferred its interest to the sale proceeds

for later resolution, trial court improperly ordered the remaining funds to be disbursed to the owners upon their pro se request, without addressing junior lienholder's claim; foreclosure proceeds must first satisfy all valid liens before any distribution to the property owner, Third Fed. S. & L. Assn. of Cleveland v. Strong, 2015-Ohio-3009.

Eviction/Money damages/Service/**Counsel.** SPP Properties, L.L.C.

v. Jones | 2025-Ohio-4375 | 8th

Appellate District | 09/18/2025

In landlord's forcible entry and detainer action, with a second claim for money damages, the trial court erred in denying the tenant's motion to quash service and dismiss the money-damages claim since, although service for the eviction claim was valid under R.C. 1923.06, service for the damages claim was not perfected where certified mail was returned unclaimed, later service to defendant's counsel violated Civ.R. 4.2(A), and the landlord failed to seek an extension or provide evidence of good cause under Civ.R. 4(E); as service was not completed within one year, dismissal was also warranted under Civ.R. 3(A), so the appellate court reversed and remanded the case with instructions to vacate the judgments against tenant and to dismiss landlord's money-damages claim.

Zoning/Construction suspension/**Conditional use application/****Appeal/Final order.** Berlin Twp. Bd.

of Trustees v. TowerCo 2013, L.L.C.

| 2025-Ohio-4339 | 5th Appellate

District | 09/15/2025 In township's

action seeking a declaration that telecommunications tower LLC's tower being built on school property violated township's zoning laws and also seeking an injunction to force LLC to comply with zoning resolution, where there was an agreed judgment entry that the LLC would suspend construction during litigation of the case, appeal from trial court's clarification order that LLC could apply for a zoning permit without violating the agreed

judgment entry is dismissed for lack of a final appealable order, R.C. 2505.02, where, although the LLC did not comply with the zoning resolution and township would likely prevail on the merits, R.C. 519.24, there was no substantial right implicated by the court's clarification entry finding that LLC could submit a zoning application for a conditional use permit without violating terms of the agreed judgment entry.

Foreclosure/Summary judgment/Affidavit/Assignments. 1900 Capital Trust II, by US Bank Trust Natl. Assn. v. House-Redd | 2025-Ohio-3274 | 8th Appellate District | 09/11/2025 In foreclosure action, summary judgment in favor of bank is reversed since there were genuine issues of material fact regarding whether bank was entitled to enforce the note and mortgage where bank's affidavit was internally inconsistent, failed to establish personal knowledge, Civ.R. 56(E), and did not demonstrate that borrower was adequately protected from competing claims, as required by R.C. 1303.38(B); as well, the appellate court found discrepancies in the chain of mortgage assignments, including a "gap assignment" recorded after the complaint was filed, which raised further factual questions about standing and enforceability.

Eviction/Hearing/Contempt/Purge. OTR Housing Assocs., Ltd. v. Engleman | 2025-Ohio-3171 | 1st Appellate District | 09/05/2025 In forcible entry and detainer action in which tenant initially failed to pay court-ordered rent bond, prompting landlord to file a motion to hold tenant in contempt, trial court erred in granting an immediate writ of restitution since, under R.C. 1923.06(H)(1), a tenant is entitled to a hearing before being dispossessed, and trial court's failure to conduct a hearing violated both statutory requirements and due process, and although trial court did not abuse its discretion in striking tenant's jury demand due

to her failure to post the required rent bond, it erred by not allowing her to have the opportunity to purge her civil contempt; the decision distinguishes between permissible waiver of jury rights and impermissible denial of procedural safeguards.

Lease/Renewal option/Timely exercise/Equity. Ashland Global Holdings, Inc. v. SuperAsh Remainderman, Ltd. Partnership | 2025-Ohio-2835 | Supreme Court of Ohio | 08/14/2025 In property lessee's action against lessor, seeking a declaration that it had effectively exercised an option to renew ground leases, even though lessee failed to timely exercise the option, the court of appeals' judgment affirming the trial court's judgment in favor of lessee—providing equitable relief—on reasoning that lessee's failure was an "honest mistake" and that such relief would prevent forfeiture of substantial property improvements, is reversed since an option is an agreement to leave an offer open for a set time, if a time limit is given for exercising an option, the option may not be exercised after that time has passed, and lessee's failure was due to internal miscommunication and lack of diligence, so the failure constituted negligence, rather than mistake, and the case is remanded for consideration of lessor's argument challenging the trial court's application of equitable estoppel; the certified question whether a court could apply the equitable principles announced in *Ward v. Washington Distribs., Inc.*, 67 Ohio App.2d 49 (6th Dist. 1980), to relieve a tenant from failure to submit a notice to renew a lease at the time required by the lease agreement was answered in the negative.

Zoning/Variance/Nonconforming use/Due process. Cleveland Skydiving Ctr., Inc. v. Troy Twp. Bd. of Zoning Appeals | 2025-Ohio-2808 | 11th Appellate District | 08/11/2025 In case in which board of zoning appeals denied skydiving center a use variance to use part of its property as a campground and also denied its prior nonconforming use claim, trial court's judgment vacating the board's denial of center's nonconforming use claim is affirmed in part and reversed in part where the board's decision was based on a previously undisclosed zoning resolution without proper notice, violating due process, but the trial court's sua sponte application of estoppel and laches—which had not been raised or litigated—was error, so the case is remanded for a hearing under R.C. 2506.03 to allow both parties to present additional evidence and cure procedural defects.

Condominium dispute/Class action/Numerosity requirement. Ragouzis v. Madison House Condominium Owners Assn., Inc. | 2025-Ohio-2797 | 1st Appellate District | 08/08/2025 In plaintiffs-condominium owners' action against 153 interested party defendant-counterclaimants in which plaintiffs alleged, inter alia, that repairs were not being done properly, and defendants filed a motion for certification as a class, alleging that plaintiffs' conduct interfered with residents' quiet enjoyment of their property, trial court erred in certifying a class of the defendants where, although R.C. 5311.23(A) provides for a class action for condominium owners, Civ.R. 23(A)(1) required defendants to show that the class was so numerous that joinder of all members was impracticable, and all members of the class were already joined as defendants in the litigation and shared the same counsel.

Taxation

Real property/Valuation/School board/Jurisdiction. Snider Crossing L.L.C. v. Warren Cty. Bd. of Revision | 2025-Ohio-3189 | 12th Appellate District | 09/08/2025 In case in which school board (BOE) filed a complaint, amended R.C. 5715.19(A) (6), with the county board of revision (BOR) to increase the value of taxpayer's real property, resulting in board of tax appeals' (BTA) decision that did increase the valuation of taxpayer's commercial property, the BTA's decision is affirmed where the BOE cited an entity transfer that functioned as a real estate sale, and taxpayer's argument that the BOE lacked jurisdictional standing because entity transfers are not qualifying "sales" and because jurisdictional facts had not been conclusively proven before the BOR is without merit since R.C. 5715.19(A) (6) creates substantive filing restrictions but allows jurisdictional compliance to be established during the administrative process; as well, the court further held that entity transfers structured as real estate transactions qualify as sales under R.C. 5713.03, and because the purchase contract and settlement statement conclusively established an arm's-length sale exceeding statutory thresholds, the BTA's decision was reasonable and lawful under R.C. 5717.04.

Farming/Exemption/Vehicle purchase. Claugus Family Farm, L.P. v. Harris | 2025-Ohio-2807 | Supreme Court of Ohio | 08/13/2025 Denial by Board of Tax Appeals (BTA) of taxpayer's claim for farming use tax exemption for purchase of vehicle is reversed on reasoning that taxpayer-farm was entitled to the exemption, R.C. 5739.02(B)(42)(n) and 5741.02(C)(2), where taxpayer was engaged in the business of timber farming within the meaning of R.C. 5739.01(F) and Ohio Adm. Code 5703-9-23(A) (1), even though taxpayer had not sold timber for a number of years because it was implementing a long-term forest-management plan,

the BTA's "direct use" analysis was misplaced since the current statute no longer contains the word "directly," and the vehicle was used in farming to enable transport of workers, chemicals, and equipment across rugged terrain to maintain and improve timber stock; also, testimony reflected that 95% of the vehicle's use was for farming, and the case is remanded for cancellation of the tax assessment.

Technology

Data breach/Contract/Tort/Technology policy/Jurisdiction. Gales v. Ohio Lottery Comm. | 2025-Ohio-5189 | Court of Claims | 10/31/2025 In plaintiffs' class action against defendant-state lottery commission, alleging that a data breach had potentially exposed personal identifying information (PII), that defendant failed to reasonably secure plaintiffs' PII with adequate cybersecurity and that defendant then failed to timely detect the data breach and inform plaintiffs of the situation, with plaintiffs asserting that defendant was liable to plaintiffs and all those similarly situated in tort, contract, and equity for injuries resulting from identity theft, defendant's motion to dismiss is granted where defendant's public policies to protect personal information did not constitute an enforceable contract, and even if R.C. 1347.15 authorized tort liability, plaintiffs did not allege that defendant directly caused their harm, with the court lacking subject matter jurisdiction over technology decisions which could indirectly cause harm.

Torts

Conversion/Intentional infliction of emotional distress/Summary judgment. Bruns v. Adlard | 2025-Ohio-5202 | 1st Appellate District | 11/19/2025 In plaintiffs-individual and other prayer group members' conversion, intentional infliction of emotional distress (IIED) and related claims action against defendants-group's leader and organization, arising from

leader's conduct, trial court's order granting summary judgment to defendants on the conversion claim related to cash allegedly taken from plaintiff's bedroom is reversed and remanded where evidence showed that leader's agents collected the cash and delivered it to leader, supporting a triable issue of wrongful dominion under conversion law, and the derivative civil-conspiracy claim tied to that act is reinstated; as well, summary judgment to defendants on plaintiffs' IIED claim is reversed on the basis of expert testimony describing significant psychological manipulation and trauma, but the remaining conversion theories, the unjust-enrichment claim, and most IIED and conspiracy allegations were properly dismissed because plaintiffs failed to show identifiable property, wrongful control, or evidence supporting essential elements.

Medical malpractice/Limitations/Tolling/Accrual date. Tsonis v. Anesthesiology Servs. Network, Ltd. | 2025-Ohio-5164 | 2nd Appellate District | 11/14/2025 In plaintiffs' refiled medical malpractice action, arising from anesthesia complication, where original counsel sent 180-day letters to defendants-medical providers, trial court's order granting defendants' statute of limitations-based motion for summary judgment and order refusing to allow discovery on tolling issue are reversed where notice to defendants under R.C. 2305.113(B) is deemed effective when a 180-day letter is delivered and properly receipted by an appropriate person, there were genuine issues of fact regarding the accrual date under the discovery rule in R.C. 2305.113(A) because plaintiff-patient suffered hypoxic-ischemic brain injury, R.C. 2305.16, delaying the statute of limitations, and the trial court erred in denying discovery on out-of-state tolling, R.C. 2305.15(A), noting that even short periods of personal travel could render the action timely, so the case is remanded for further proceedings.

Product liability/Boat/Exposure to carbon monoxide.

Sidloski v. Fischer | 2025-Ohio-5069 | 1st Appellate District | 11/07/2025

In boat passenger's estate's product liability action against boat manufacturer, alleging that passenger's death after she entered the water from the boat and drowned was caused by exposure to carbon monoxide (CO), summary judgment in favor of manufacturer is reversed where evidence showed that the passenger was exposed to a large amount of CO while sitting on the boat platform at the stern of the boat, and the question remains whether that exposure proximately caused passenger's death when she entered the water, and questions also remain whether the design of the boat was defective and whether the manufacturer failed to adequately warn passengers of potential CO exposure, R.C. 2307.73, 2307.75 and 2307.76.

Medical malpractice/Limitations/ Saving statute/Federal action/ Tolling statute.

Smith v. Mercy Health-Clermont Hosp., L.L.C. | 2025-Ohio-4986 | 12th Appellate District | 11/03/2025 In plaintiff's refiled medical malpractice action against defendant-hospital, alleging negligent treatment that led to injury, trial court's dismissal of claims as time-barred is affirmed, even though *McCullough v. Bennett*, 2024-Ohio-2783, which was issued while plaintiff's appeal was pending, rejected the "one-use" limitation on the saving statute, where plaintiff filed her initial medical malpractice action in state common pleas court shortly before expiration of the R.C. 2305.113(A) one-year statute of limitations, subsequent removal of this initial action to federal court to apply the Federal Tort Claims Act occurred after the expiration of the statute of limitations, and the federal supplemental jurisdiction statute, 28 U.S.C. 1367(d), could not toll the limitations period that had already expired before the case was filed in federal court, so the instant refiled case in state court was untimely.

Medical malpractice/Damages/ Cap/Appeal/Jurisdiction.

Reilly v. Rastegar | 2025-Ohio-4972 | 2nd Appellate District | 10/31/2025

In plaintiff-patient's medical negligence action against defendant-physician, alleging that she sustained a crippling injury during surgery, where plaintiff subsequently filed a motion for partial summary judgment in which she asked the trial court to find the cap on noneconomic damages in R.C. 2323.43(A)(3) unconstitutional as applied to her, which was denied, plaintiff's appeal of the denial of her motion is dismissed for lack of jurisdiction where the denial was not a final and immediately appealable order because plaintiff failed to put forth sufficient summary judgment evidence to demonstrate injury and the amount of damages, and the denial did not determine the constitutionality of any statute, R.C. 2505.02(B)(6), to constitute a final order.

Medical malpractice/Pleading/ Adding defendants/Limitations.

Lewis v. MedCentral Health Sys. | 2025-Ohio-4802 | Supreme Court of Ohio | 10/23/2025 In medical malpractice action against multiple defendants, the trial court's dismissal of plaintiff's complaint against two individual defendants—on the grounds that the complaint was filed beyond the one-year statute of limitations and that the plaintiff failed to comply with Civ.R. 15(D), which governs fictitious-name substitutions—is reversed where the trial court incorrectly reasoned that Civ.R. 15(D) applied because the defendants' names were known to the plaintiff; however, under R.C. 2323.451(D)(1)–(2), in a medical malpractice action, a plaintiff may join "additional" defendants within 180 days of filing the original complaint without complying with Civ.R. 15(D), and the statute's 180-day extension applies to any defendants not named in the original complaint, regardless of whether their identities were known at the time of filing, so since plaintiff amended her complaint within the statutory extension, filed an

affidavit of merit, and complied with Civ.R. 15(A), her claims were timely commenced.

Medical malpractice/Weight of evidence/Expert evidence/ Childbirth.

M.F. v. Ohio State University College of Medicine | 2025-Ohio-4814 | 10th Appellate District | 10/21/2025

In plaintiff's medical malpractice action asserting that negligent obstetric and nursing care during labor caused her child's hypoxic-ischemic brain injury and cerebral palsy, judgment for defendants is reversed for being against the weight of evidence since the trial court misapplied or ignored critical expert evidence—specifically, the court erroneously concluded that no cephalopelvic disproportion (CPD) existed based on the mother's normal-sized pelvis—and also improperly relied on plaintiff's failure to request a Cesarean section, and the appellate court clarified that relative CPD can exist even with a normal pelvis and that the issue of proximate cause must focus on defendants' acts or omissions, with a patient's request for surgery being irrelevant.

Wrongful death/Immunity/ Pleading/Timeliness.

Durig v. Youngstown | 2025-Ohio-4719 | Supreme Court of Ohio | 10/16/2025

In executor's wrongful death action against city alleging that decedent's death was caused by a falling tree while he was driving a motorcycle on street, the trial court's denial of city's motion for leave to amend answer, Civ.R. 15(A), to assert the affirmative defense, Civ.R. 8(C), of political subdivision immunity, R.C. Ch. 2744, affirmed on appeal, is affirmed where city's motion to amend was not timely filed, the defense of political subdivision immunity was not readily discernible from the face of the complaint, city's responsive pleading that executor failed to state a cause of action upon which relief can be granted did not assert the immunity defense, and city failed to raise the defense in an affirmative manner by filing a pre-pleading motion, Civ.R. 12(B).

Legal malpractice/Conflict of interest/Statute of repose. Dervin & Assocs., Inc. v. Amer Cunningham Co., LPA | 2025-Ohio-4761 | 5th Appellate District | 10/15/2025 In plaintiff-insurance agency's legal malpractice action against defendants-attorneys for representing both the insurance agency and its 50 percent partner in underlying dissolution action, denial of defendants' motion for summary judgment is reversed where the act which invoked the legal malpractice statute of repose, R.C. 2305.11(B) (1), occurred when defendants first entered an appearance on behalf of both parties, the complaint alleged no new harm caused by defendants' ongoing representation to extend the repose period, and the action was filed outside the period allowed under the statute.

Wrongful prosecution/Respondeat superior/Immunity. Mohammad v. Seven Hills | 2025-Ohio-4673 | 8th Appellate District | 10/09/2025 In plaintiff's wrongful prosecution, intentional infliction of emotional distress, and respondeat superior action against defendant-city, alleging that he was arrested without a thorough investigation after he gave snacks to unrelated children at a park, trial court's denial of defendant's political subdivision immunity-based motion to dismiss is reversed where defendant was entitled to immunity since the police were performing a governmental function, R.C. 2744.02(A)(1) and they acted within the scope of their employment, without evidence that they acted maliciously, in bad faith, or in a wanton or reckless manner; as well, plaintiff's respondeat-superior claim that defendant was responsible for actions of police officers was meritless where plaintiff failed to show that any of the exceptions to immunity in R.C. 2744.02(B) applied.

Negligence/Water lines/Evidence/Immunity. Darling v. Tribute Contracting & Consultants, L.L.C. | 2025-Ohio-4624 | 4th Appellate District | 10/02/2025 In property owners' negligence action against village, alleging failure to maintain water lines resulting in break which damaged owners' property, the trial court's denial of city's governmental-immunity based motion for summary judgment is reversed since the city was entitled to immunity pursuant to R.C. 2744.02(A)(1) where it was engaged in a proprietary function, but owners failed to show an exception to immunity under R.C. 2744.02(B)(2) because testimony of maintenance foreman that negligent closure of valve caused break was speculative and inadmissible under Evid.R. 701.

Slip and fall/Open and obvious/Negligent hiring. Copp v. Roush Honda | 2025-Ohio-4558 | 10th Appellate District | 09/30/2025 In plaintiff's slip and fall negligence action against defendant-car repair shop, alleging injuries sustained when she slipped on water, caught her sandal on a grate, and fell while crossing drive lanes in repair area of building, summary judgment in favor of defendant is reversed where plaintiff had little reason to have anticipated the water, and she had only seconds to notice it, so the question remains whether the water on floor was an open and obvious hazard; as well, on the basis of finding that the hazard was open and obvious, the trial court declined to rule on plaintiff's argument that defendant was negligent in its hiring and supervision of employees, so this claim is still in question.

Conversion/Pets/Gift. Lockhart v. Anick | 2025-Ohio-4496 | 6th Appellate District | 09/26/2025 In plaintiff's conversion and replevin action against defendant-former romantic partner, seeking possession of dog and cat, trial court's award of possession of dog to plaintiff is reversed where evidence, including transfer of possession and documentation,

showed that plaintiff had gifted both animals to defendant, and although there was no transfer certificate presented for the dog pursuant to R.C. 955.11(B), the gift was not invalidated because compliance with the statute would be evidence of defendant's ownership but was not a prerequisite to establish the validity of the gift.

Medical malpractice/Consolidated cases/Expert's qualifications/Damages. Fenner v. Durrani | 2025-Ohio-4477 | 1st Appellate District | 09/26/2025 In medical malpractice cases in which plaintiffs alleged that defendant performed medically unnecessary spinal surgeries, trial court's consolidation of the cases is affirmed under Civ.R. 42(A) on the basis of common questions of law and fact and no unfair prejudice, challenges to expert testimony under Evid.R. 601(B)(5)(b) were without merit since experts are permitted to testify based on their professional practice as of the time of the alleged medical negligence, not as of the time of trial, and awards for past medical expenses are affirmed, conditioned on plaintiffs' obtaining releases from insurers, with such awards properly counted toward the punitive damages cap, R.C. 2315.21(D)(2)(b); however, trial court's denial of a setoff under R.C. 2307.28(A) is reversed where setoffs are permitted to prevent double recovery, and the case is remanded for calculation of the appropriate setoff amount.

Medical malpractice/Expert/Qualified/Summary judgment. Glase v. Joshi | 2025-Ohio-4438 | 6th Appellate District | 09/23/2025 In medical malpractice action in which plaintiff alleged that defendant negligently failed to diagnose and properly monitor his age-related macular degeneration, trial court's summary judgment for defendant on reasoning that plaintiff's expert was not qualified under Evid.R. 601(B)(5) and 702, is reversed and the case is remanded where trial court excluded plaintiff's

expert's evidence because he was not a retinal specialist, but the court of appeals found that plaintiff's expert regularly treated patients with the same condition that plaintiff had, making plaintiff's expert's specialty substantially similar to defendant's specialty; as well, the appellate court found that trial court erred by not analyzing whether plaintiff's subsequent affidavit and expert report—clarifying his deposition testimony on causation—were contradictory or permissible clarifications.

Negligence/Sewer line/Immunity/Standard of care. Goldfarb v. Cuyahoga Cty. Dept. of Pub. Works | 2025-Ohio-3283 | 8th Appellate District | 09/11/2025 In homeowner's negligence action against county public works department, alleging injuries sustained from falling in yard in an area where a sewer line had been repaired and had not been restored to its original condition, trial court erred in denying county's motion for summary judgment since political subdivision immunity applied, R.C. 2744.01(G)(1), where the county was engaged in proprietary function, and homeowner did not establish a standard of care that the county violated, so an exception to immunity did not apply, R.C. 2744.02(B).

FELA/Medical records/Expert testimony. Smith v. Norfolk S. Ry. Co. | 2025-Ohio-3122 | 6th Appellate District | 09/02/2025 In employee's Federal Employers' Liability Act (FELA), 45 U.S.C. 51-60, action against railway employer, alleging that use of equipment caused him to develop a severe injury which rendered him occupationally disabled, summary judgment in favor of employer is reversed where, although employee's medical records did not explicitly state an opinion as to causation of employee's injuries, one physician's testimony concerning matters addressed in the records should have been allowed under the plain language of Civ.R. 26(B)(7)(d), and trial court's criticisms of other physician-expert's methodology

went to the weight, rather than the admissibility, of the evidence, Evid.R. 702.

Medical malpractice/Damages/Cap/Constitutionality. Lyon v. Riverside Methodist Hosp. | 2025-Ohio-2991 | 10th Appellate District | 08/21/2025 In plaintiff-patient's medical negligence action against physicians and related defendants, alleging failure to make a diagnosis, leading to severe injury, the trial court's declaration, using the rational basis test, that the noneconomic damages cap under R.C. 2323.43(A)(3) is unconstitutional—as applied in this case—violating plaintiff's right to due process, is affirmed where, although the cap on noneconomic damages for catastrophic injuries has substantial relation to public welfare, the court found that reducing plaintiff's damages to the cap amount was unreasonable, given her young age and permanent disability, and the court further held that the distinction between medical malpractice victims and nonmedical tort victims, who face no cap under R.C. 2315.18(B)(3), violates equal protection, as it imposes a disproportionate burden on those most severely harmed by medical negligence.

Negligence/Immunity/Exception. Middlebrooks v. Cincinnati Metro. Hous. Auth. | 2025-Ohio-2851 | 1st Appellate District | 08/13/2025 In tenant's negligence action against housing authority, alleging injuries sustained while unplugging electrical cord in flooded apartment, trial court's denial of housing authority's motion for summary judgment on the issue of immunity is affirmed where housing authority was entitled to general immunity under R.C. 2744.02(A)(1) because operation of public housing is a governmental function, but the question remains whether housing authority had knowledge of the hazard for the physical defect exception to immunity, R.C. 2744.02(B)(4) to apply.

Negligence/Speculation/Summary judgment. Davis v. Stoykoff | 2025-Ohio-2710 | 6th Appellate District | 08/01/2025

In negligence action by plaintiff-business invitee paid to clean defendant-homeowner's house, arising from injuries to plaintiff when she fell while exiting via side door, and plaintiff asserted that loose handrail was the dangerous condition that led to her fall, where trial court granted summary judgment to defendant on reasoning that plaintiff's deposition reflected speculation or conjecture as to what proximately caused plaintiff to fall, the appellate court reversed the trial court, holding that plaintiff's testimony created a genuine issue of material fact regarding proximate cause, Civ.R. 56, and once plaintiff met the initial burden, the burden shifted to defendants to set forth specific facts showing that there is a genuine issue for trial, so the case is remanded for further proceedings.

Traffic and OVI

Driving under suspension/Plea/Advisement. State v. Hudson | 2025-Ohio-5258 | 6th Appellate District | 11/21/2025

Defendant's conviction by no contest plea to driving under suspension is reversed as not being entered knowingly, voluntarily, or intelligently because the municipal court failed to comply with Traf.R. 10(D) where a violation of R.C. 4510.11 is a first-degree misdemeanor and therefore a "petty offense," requiring the trial court to inform a defendant of the effect of a no contest plea before accepting it, as mandated by Traf.R. 10(D) and defined in Traf.R. 10(B)(2), and where the trial judge accepted defendant's plea without giving any advisement regarding its effect—an omission the state conceded—the rule that a complete failure to comply with Crim.R. 11(E) (which is substantively identical to Traf.R. 10(D)) requires automatic vacation without any need to show prejudice, so the case is remanded for further proceedings.

Traffic and OVI (Continued)

OVI/Felony/Specification/ Mandatory term.

State v. Hoekwatter | 2025-Ohio-4928 | 6th Appellate District | 10/28/2025 After conviction of fourth-degree felony OVI, defendant's sentence of 18 months state incarceration on the OVI charge, the first 120 days of which were mandatory, as well as a one year mandatory term of incarceration for R.C. 2941.1413 repeat-offender specification, is reversed where the court improperly made the first 120 days of the 18-month term mandatory, and under R.C. 4511.19(G)(1)(d)(ii) and 2929.13(G)(2), a mandatory term of local or prison incarceration of 60 or 120 days applies only when no specification under R.C. 2941.1413 is present, so once the repeat-offender specification is included, only the one-year mandatory term applies, and the additional prison term is discretionary under R.C. 2929.14(B)(4); as well, the trial court failed to properly advise defendant at sentencing of the consequences of violating post-release control, as required by R.C. 2929.19(B)(2)(f).

OVI/Suppression/Driver of vehicle/

Probable cause. State v. Howell | 2025-Ohio-3255 | 1st Appellate District | 09/10/2025 In a case in which defendant was charged with operating a vehicle under the influence, R.C. 4511.19(A)(1)(a), and failure to maintain reasonable control, R.C. 4511.202(A), after crashing into multiple cars, trial court's order granting defendant's motion to suppress evidence on a finding of no probable cause that defendant was the driver is reversed on reasoning that the trial court applied an overly technical standard, as probable cause requires only sufficient trustworthy facts to lead a prudent person to believe the suspect committed the offense, and evidence showed defendant's admission that she had driven from a specific location, her proximity to the vehicle, her attempt to retrieve documents from it, and the absence of any alternative

driver, which all supported probable cause that defendant operated the vehicle.

Traffic stop/Suppression/Video/ Testimony. State v. Caughenbaugh | 2025-Ohio-3064 | 5th Appellate District | 08/27/2025 In case in which defendant was subject to a traffic stop by trooper, trial court's order granting defendant's motion to suppress on reasoning that the stop was unsupported because dashcam footage did not visibly confirm the trooper's testimony that defendant's vehicle crossed the double yellow line is reversed where trial court erred by relying solely on the video and disregarding the trooper's sworn testimony, suppression rulings must consider the totality of evidence, including credible witness accounts, not just video corroboration, and reasonable suspicion for a traffic stop can be based on an officer's direct observation, even if video footage is inconclusive, so the case is remanded for further proceedings.

Workers' Compensation

**Permanent total disability/
Second application/Changed
circumstances.** State ex rel. Oberdier v. Indus. Comm. | 2025-Ohio-5234 | 10th Appellate District | 11/20/2025 In claimant's petition for a writ of mandamus seeking to compel industrial commission to vacate its order denying claimant's second application for permanent total disability compensation, a limited writ is granted where claimant presented evidence of new and changed circumstances, R.C. 4123.58(G), the statute did not require evidence to be meaningful or substantial, as was required by the hearing officer, and because the commission applied an incorrect legal standard, the action must be remanded for evaluation under the correct standard.

**Permanent total disability/New
circumstances/Heightened
standard.** State ex rel. Davis v. Indus. Comm. | 2025-Ohio-5152 | 10th Appellate District | 11/13/2025 In claimant's action seeking to compel respondent-industrial commission to vacate its order denying her third application for permanent total disability compensation, a limited writ of mandamus is granted where claimant was required to present evidence of new and changed circumstances, R.C. 4123.58(G), yet the hearing officer applied a heightened standard requiring claimant's evidence to be meaningful or substantial, so because heightened standard was not required under the statute, the legal error was not harmless.

**Workplace injury/Connection to
activity or environment.** Lang v. THK Mfg. of Am., Inc. | 2025-Ohio-4811 | 5th Appellate District | 10/21/2025 In plaintiff-employee's administrative appeal of denial of his workers' compensation claim seeking benefits for injuries from collapsing and hitting his head while he was at his workplace, summary judgment in favor of defendant-employer is reversed where the parties' expert physicians' reports regarding the cause of plaintiff's fall and injuries were conflicting, and the question remains whether plaintiff had a diagnosable medical condition triggered or aggravated in part by his workplace environment or activity that would demonstrate a causal connection between his employment and his injury.

**Specific safety requirements/
Violation/Trench/Heavy objects.** State ex rel. Berry v. Indus. Comm. | 2025-Ohio-4720 | Supreme Court of Ohio | 10/16/2025 After claimant was injured while working in a trench for employer and applied for an additional award, asserting employer's violation of specific safety requirements, which was denied, denial of claimant's subsequent petition for a writ of mandamus seeking to compel

commission to vacate its denial of his application is affirmed in part and reversed in part where the appellate court correctly ruled that whether a large excavator qualified as a “power shovel” did not determine the applicability of the specific safety rule in Ohio Adm. Code 4123:1-3-13(E)(7), governing trench and excavation safety, but the appellate court erred in reweighing the evidence and in substituting its judgment for the industrial commission’s on factual issues involving a dump truck and fill dirt, so the case is remanded for the commission to decide whether the large excavator was a “heavy object” near the trench that triggered the safety rule and, if so, whether any violation proximately caused claimant’s injury.

Wrongful death/Asbestos/Administrative proceeding/Jurisdiction. Terrell v. Ford Motor Co. | 2025-Ohio-4671 | 8th Appellate District | 10/09/2025 In executor’s wrongful death and workplace injury action against decedent’s employer, alleging that decedent had been exposed to asbestos-related substance during employment, which led to his death, trial court’s order granting employer’s motion for administrative dismissal is vacated for lack of subject matter jurisdiction where the industrial commission, rather than the trial court, had jurisdiction over executor’s claims for workplace injury, and because the commission had exclusive jurisdiction, executor needed to raise the claims in an administrative proceeding, including the claim alleging as-applied unconstitutionality of R.C. 4123.59, which limits compensation from the workers’ compensation fund to the deceased worker’s spouse and dependents.

Death benefits/Wholly dependent/Partially dependent. State ex rel. Holderman v. Indus. Comm. | 2025-Ohio-4553 | 10th Appellate District | 09/30/2025 Claimant’s petition for a writ of mandamus to compel industrial commission to vacate its denial of her application for death benefits following the workplace death of her father is denied in part and granted in part where claimant’s argument that she was wholly dependent, R.C. 4123.59(D)(2), because she was physically incapacitated and that her father provided more than half her support was without merit, and claimant was not entitled to a presumption of whole dependency since her ongoing employment before and after her father’s death constituted “some evidence” that claimant was not incapacitated; however, the appellate court held that the commission erred by failing to separately consider whether claimant was partly dependent under the “catch-all” provision of R.C. 4123.59(D), which requires an individualized factual inquiry, so the case is remanded to reconsider claimant’s claim of partial dependency.

Specific safety requirement/Violation/Fall hazard/Alternative protection. State ex rel. Prime Roof Solutions, Inc. v. Indus. Comm. | 2025-Ohio-4399 | Supreme Court of Ohio | 09/23/2025 Denial of employer’s petition for a writ of mandamus to compel industrial commission to vacate its order finding that employer violated a specific safety requirement, proximately causing injuries to claimant, is affirmed where claimant was not assisting in installing the fall-protection system at the time of the fall, but rather fell when he was inspecting the roof for leaks before safety anchors were installed, and fall prevention equipment was required because claimant was exposed to hazards of falling, Ohio Adm. Code 4123:1-3-03(J)(1); employer’s defense of “impossibility” failed since temporary alternative protection

methods could have been used to protect workers on the roof before permanent safety anchors were installed.

Permanent total disability/Psychological and physical conditions/Sedentary work. State ex rel. Urban v. Wano Expediting, Inc. | 2025-Ohio-3009 | Supreme Court of Ohio | 08/26/2025 Judgment granting claimant’s petition for a writ of mandamus to compel industrial commission to vacate its order denying permanent total disability compensation for workplace injuries on reasoning that the commission failed to comply with Ohio Adm. Code 4121-3-34(D)(3)(i), which requires consideration of psychological and physical conditions in combination, is reversed where the commission sufficiently considered both sets of conditions by referencing the doctors’ reports and concluded that claimant could work within the sedentary work limitations therein; also, the commission’s order met the standard set forth in State ex rel. Noll v. Indus. Comm., 57 Ohio St.3d 203 (1991), by identifying the evidence relied upon and by explaining the decision, there is no requirement to list each piece of evidence considered in its order, and the writ is denied and the commission’s order is reinstated.