



Ohio case law summaries from April 1, 2025 – July 31, 2025

The following are selected summaries of cases decided by Ohio courts between April 1, 2025 – July 31, 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

**Drainage ditch project/Appeal/
Damages/Jury trial.** [Bartick v. Lorain
Cty. Bd. of Commrs. | 2025-Ohio-1881
| 9th Appellate District | 05/27/2025](#)

In homeowner's administrative appeal of decision of county board of commissioners approving a drainage ditch improvement project, the trial court erred in declining to hold a jury trial to determine compensation or damages to homeowner where, although R.C. 6131.31(F) allows the trial court to hear matters of compensation and damages, homeowner was entitled to a jury trial de novo under the plain language of R.C. 6131.32.

Appeal/Timeliness/Amended statute. [Myrmidon Farms, L.L.C. v. Delaware
Cty. Bd. of Commrs. | 2025-Ohio-1711
| 5th Appellate District | 05/08/2025](#)

Dismissal, Civ. R. 12(B)(1), for lack of subject matter jurisdiction of appellant-farm's untimely administrative appeal of decision of board of commissioners approving single-county ditch petition for improvements within watershed is affirmed where the pre-amendment version of R.C. 6131.25 applied and required the appeal to be filed within 21 days following authorization of improvements, and the amended statute which requires the appeal within 30 days does not provide for retroactive application to pending actions to provide appellant more time to appeal.

Banking and Commercial

**Loans/Cognovit judgments/Guaranty/
Relief from judgment.** [KeyBank Natl.
Assn. v. Midtown Inspirion, L.L.C. |
2025-Ohio-1737 | 8th Appellate District
| 05/15/2025](#) In plaintiff-bank's action to recover partially unpaid loans from 11 defendant companies—each of which executed a promissory note, with an individual defendant signing as a “member” and unconditionally

guaranteeing the debt via a separate commercial guaranty—where the cognovit judgments were entered pursuant to warrants of attorney in both the notes and guaranties, trial court's denial of defendants' Civ.R. 60(B) motions to vacate those judgments is affirmed since, although the motions were timely, the companies failed to allege operative facts with sufficient specificity to support a meritorious defense as required by GTE Automatic Elec., Inc. v. ARC Industries, Inc., 47 Ohio St.2d 146 (1976), and the affidavit submitted by the individual defendant merely alleged a “belief” that a former bank employee had engaged in fraud, without denying execution of the notes or identifying specific facts linking the alleged fraud to the transactions at issue.

Construction

**Mechanic's lien/Counterclaims/
Discovery/Reconsideration/
Discretion.** [Martin v. Becker | 2025-
Ohio-2356 | 2nd Appellate District |
07/03/2025](#) In plaintiff-contractor's action against defendants-homeowners seeking judgment on a mechanic's lien for work performed, where summary judgment was granted to defendants on their counterclaims asserting, inter alia, negligence and violations of consumer law, trial court erred in denying plaintiff's motion for reconsideration of the summary judgment since it was interlocutory because damages had not yet been awarded, so trial court retained jurisdiction to reconsider it, and the court improperly treated the summary judgment decision as final and failed to exercise discretion under Civ.R. 36(B) regarding plaintiff's belated responses to requests for admissions—responses that were filed after the 28-day admission response period but before the court's overall discovery deadline; because the admissions were central

to trial court's ruling and plaintiff provided opposing evidence, the judgment is reversed, and the case is remanded for trial court to determine whether plaintiff's untimely responses should be permitted and whether summary judgment for defendants remains appropriate.

Negligence/Res judicata/Different parties. [Robinson v. Shank | 2025-
Ohio-2191 | 9th Appellate District |
06/23/2025](#) In negligence and illegal structuring action against defendant-construction contractor by plaintiff-building owner and majority owner of business located in building, alleging failure to perform contracted work to make improvements as well as damage to building, summary judgment in favor of contractor is reversed where contractor's argument that res judicata barred plaintiff's claims on the basis that plaintiff should have asserted the instant claims in defendant's separate prior action against plaintiff is without merit because defendant's prior action was filed against the business located in the building, rather than against plaintiff, reasonable minds could come to different conclusions about whether plaintiff was in privity with the business, and plaintiff was not aware of the prior proceeding, nor did he have the right to control business' response, so granting summary judgment on the basis of res judicata was error.

**Contract/Breach/Arbitration/
Hearing.** [Gardner v. Dinallo & Wittup
Homes, Inc. | 2025-Ohio-1899 |
11th Appellate District | 05/27/2025](#) In property owners' breach of contract action against home builder, alleging violations of the Ohio Home Construction Service Suppliers Act, trial court erred in granting, without a hearing, builder's motion to compel arbitration and stay proceedings, based on an arbitration clause in the

parties' construction agreement, since trial court was required to conduct an oral hearing where builder moved for both a stay, R.C. 2711.02, and arbitration, R.C. 2711.03, and owners requested a hearing to challenge the existence and enforceability of the arbitration clause.

Contract/Unjust enrichment/Change orders. [Four Elyria Co., L.L.C. v. Brexton Constr., L.L.C. | 2025-Ohio-1778 | 9th Appellate District | 05/19/2025](#) In commercial property owner's breach of contract action against construction company for allegedly failing to pay subcontractors for site-specific tenant improvement work at a retail plaza, the trial court erred in granting summary judgment to defendant-contractor on its unjust enrichment counterclaim where, although the trial court correctly found that the site-specific work was not included in the parties' written guaranteed maximum price (GMP) contract, the trial court improperly disregarded the contract's change order provisions so, even if the disputed work was not originally within the contract's scope, the change order provision governed changes "within the general scope" of the agreement and required a change order; whether the tenant improvement work fell within that scope—and whether a separate oral agreement or waiver of written change order requirements occurred—presented genuine issues of material fact that precluded summary judgment.

Contract/Breach/Settlement agreement/Building units. [John M. Niehaus, Inc. v. TDGHC, L.L.C. | 2025-Ohio-1722 | 1st Appellate District | 05/14/2025](#) In plaintiff-property seller's breach of contract action against defendant-purchaser, alleging breach of the parties' settlement agreement by building extra units on property without plaintiff's approval and without making payment for the extra units, summary judgment in favor of defendant is affirmed where the extra units on the property were built by a third party and not defendant-purchaser, the confidentiality clause in the settlement agreement did not require the parties to inform any successor of the restriction on the number of units, and plaintiff's motion for leave to amend the complaint was denied based on the court's

conclusion that defendant did not breach the settlement agreement.

Contract/Arbitration/Pattern of conduct. [Carter-Jones Lumber Co. v. Colabianchi Constr., Inc. | 2025-Ohio-1601 | 11th Appellate District | 05/05/2025](#) In plaintiff-construction services provider's action against defendant-builder in which both parties asserted breach of contract and plaintiff sought a declaration that the parties' agreement, including its arbitration provision, was enforceable, the trial court did not err in granting plaintiff's motion to compel arbitration where, although plaintiff failed to fulfill a condition precedent by signing agreement, the condition was waived by defendant's pattern of conduct, including using plaintiff's materials and labor and participating in arbitration, was consistent with acceptance and performance of the agreement, and equitable estoppel prevents defendant from enjoying benefits under contract while avoiding its burdens and obligations.

Contracts/Breach/Limitations. [Marietta v. Professional Serv. Industries, Inc. | 2025-Ohio-1530 | 4th Appellate District | 04/30/2025](#) In city's breach of contract action against contractor, alleging failure of retaining wall built pursuant to contract, summary judgment in favor of contractor on reasoning that the action was not timely filed under the contractual limitations period is affirmed where the parties' original contract containing the limitations clause was not superseded by a second contract, executed for state department of transportation compliance, the general conditions in the first contract, including the limitations clause, were clearly incorporated by reference into the second contract, the contracts construed together were unambiguous, and city's claims were filed outside the contractual limitations period.

Consumer

Vehicle purchase/Financing/Repossession/Fictitious trade name/Arbitration. [McCreary v. Taylor Cadillac, Inc. | 2025-Ohio-2562 | 3rd Appellate District | 07/21/2025](#) In plaintiff-vehicle buyer's consumer and related claims action against

defendants-dealership and lending service, alleging, inter alia, fraud and defendant's improper use of fictitious trade name—registered by plaintiff for herself after defendant had failed to renew its application for the name—seeking return of funds following repossession of vehicle after plaintiff was unable to obtain financing to buy the vehicle, trial court erred in compelling arbitration—which was a provision of the parties' vehicle purchase agreement—of plaintiff's claim regarding dealership's use of fictitious trade name where plaintiff's claim seeking damages and an injunction to stop defendant's use of the trade name was not related to her attempted purchase of the vehicle, and because the claim was independent of other claims it did not fall within the scope of the arbitration agreement.

Contracts

Settlement agreement/Amendment/Counsel's authority. [Exec Properties, L.L.C. v. Discovery Oil & Gas, L.L.C. | 2025-Ohio-2506 | 9th Appellate District | 07/16/2025](#) In plaintiff-property owner's breach of contract action against defendant-gas company regarding completion of oil and gas well on property, resulting in the parties reaching a settlement agreement, the trial court erred in granting defendant's motion to enforce an amendment to the agreement since plaintiff asserted that its former counsel did not have authority to enter into a binding agreement where, although plaintiff's former counsel was permitted to engage in settlement negotiations under a retention agreement, the question remains whether he had actual or apparent specific authorization to negotiate the settlement and if so, whether he exceeded the scope of that authority.

Breach/Pool maintenance/Unrelated problem. [Wilson v. Canup | 2025-Ohio-2443 | 4th Appellate District | 07/02/2025](#) In plaintiff-contractor's small claims action against defendant-homeowner seeking payment for pool maintenance labor under verbal agreement to install a pool liner, judgment in favor of plaintiff is affirmed where plaintiff presented evidence of the parties' agreement, specifying the amount for labor, plaintiff provided the labor as agreed, and problems with pool's computerized equipment was

Contracts (Continued)

unrelated to plaintiff's work and did not entitle defendant to reduction of amount owed.

Breach/Agent/Nondisclosure of principal. [Kokaliars v. Decker & Assocs. – Architectural Design & Planning Servs., L.L.C. | 2025-Ohio-2038 | 12th Appellate District | 06/09/2025](#) In breach of contract action by appellee-provider of architectural services against appellant-president of property owner and others, trial court's judgment in favor of appellee against appellant personally is affirmed where, although appellant argued that he acted as an agent of a disclosed principal—the property owner—he failed to disclose this relationship during negotiations and did not timely assert the defense, and under agency law, an agent who does not disclose a principal can be held personally liable; as well, appellant failed to timely respond to requests for admissions under Civ.R. 36(A), resulting in deemed admissions that he entered into a contract with appellee and was jointly liable, and his claim that necessary parties were not joined failed under Civ.R. 19(A), because appellee could obtain complete relief from appellant, and appellant forfeited the defense by failing to timely pursue it.

Real property/Breach/Personal property. [Morgan228, L.L.C. v. Miavitz | 2025-Ohio-1974 | 11th Appellate District | 06/02/2025](#) In breach of contract action by buyer of real property in which the parties' contract contained a provision requiring sellers to remove all personal property from the premises where buyer discovered that numerous items of personal property remained at the premises, and magistrate recommended damages for buyer, the trial court erred in rejecting the magistrate's recommendation, so the case is remanded; the collateral-source rule in tort actions, which precludes an offset for amounts received from a source independent of the wrongdoer, is not applicable to cases involving breach of contract.

Breach/Damages/Specific performance. [Yellow Brick Rd. Auctions, L.L.C. v. Dixon | 2025-Ohio-1934 | 8th Appellate District | 05/29/2025](#) In plaintiff-auction house's breach of contract action alleging that defendant-vehicle owner had failed to follow through on the online auction sale of his vehicle under terms of the parties' agreement, the trial court erred in awarding to plaintiff specific performance and in ordering immediate transfer of vehicle to the winning bidder where there was insufficient evidence that money damages would have been an inadequate remedy for plaintiff, and there was no evidence to support any damages other than compensatory damages.

Breach/Purchase of business/Damages. [Two Brothers Market, L.L.C. v. Singh | 2025-Ohio-1803 | 1st Appellate District | 05/21/2025](#) In plaintiff-retail business purchaser's breach of oral contract and conversion action against defendants-sellers for refusing to go through with sale of grocery market and trying to remove plaintiff, judgment in favor of plaintiff is affirmed where plaintiff presented evidence to show the amount of damages it has suffered after, inter alia, paying a deposit for purchase of the market and buying inventory, the jury instruction on punitive damages was appropriate because the complaint included a conversion claim independent of the breach of contract claim, and because punitive damages were awarded, award of attorney fees was proper.

Breach/Attorney fees/Reasonableness/Arbitration process. [Pickrel, Schaeffer & Ebeling Co., L.P.A. v. Peterson | 2025-Ohio-1765 | 2nd Appellate District | 05/16/2025](#) In law firm's breach of contract action against client, seeking damages for unpaid legal fees, where client signed an engagement letter agreeing to hourly rates, and firm counseled client on novel and complex legal issues, but client made only partial payments and later disputed the final amount due, summary judgment in favor of firm and subsequent award of damages after hearing at which firm president testified are affirmed since evidence of reasonableness of the attorney fees was not required to be provided by an independent expert; as well, client's

defense that the arbitration process in underlying matters took too long is meritless since client selected the arbitrator and therefore cannot blame firm for the slow arbitration process.

Breach/Jury trial/Recoupment defense/Common law. [Kegler Brown Hill & Ritter Co., L.P.A. v. Croce | 2025-Ohio-1627 | 10th Appellate District | 05/06/2025](#) In law firm's breach of contract action against client-research scientist for failure to pay amount owed for representation in underlying defamation action related to client's research, resulting in judgment for the law firm after a jury trial, the trial court's ruling that client's recoupment defense could not be tried to the jury on reasoning that the defense was equitable is reversed since law firm's claim was properly allowed to be tried before a jury because it derived from common law, and defendant's recoupment defense also had common law origins and arose out of same transaction as plaintiff's claim, so defendant was entitled to trial by jury on his defense.

Manufactured home/Breach/Summary judgment/Agreement provision. [Lagunzad v. Parma Estates, L.L.C. | 2025-Ohio-1368 | 8th Appellate District | 04/17/2025](#) In plaintiffs' action asserting breach of contract, fraud, and related claims, arising from the purchase and lease of a manufactured home, trial court's order granting summary judgment to defendants is affirmed in part where the court found that one defendant was properly dismissed because plaintiffs failed to plead any viable claims against it, claims against other defendants were time-barred under the one-year limitation period in the purchase agreement or barred by express warranty disclaimers, and summary judgment was properly granted on plaintiffs' claims for statutory violations, retaliation, fraud, slander, and other property damage due to lack of genuine factual disputes under Civ.R. 56 and insufficient evidence of liability under R.C. 4781.38 (manufactured park operator's responsibilities), 955.28 (dog-related liability), and the Consumer Sales Practices Act; however, summary judgment to one defendant is reversed as to two claims: the alleged removal and non-return of plaintiffs' back door and steps, and damage to plaintiffs' vehicle

caused by a fallen tree branch, as the record presented genuine disputes of material fact on both issues.

Breach/Dismissal/Appeal. [Watters v. Morrow | 2025-Ohio-1222 | 5th Appellate District | 04/07/2025](#) In plaintiffs' breach of contract action against defendants-business and individual defendant where the trial court granted individual defendant's Civ.R. 12(B)(6) motion to dismiss plaintiff's amended complaint against her on reasoning that there were no factual allegations to support any claims regarding piercing the corporate veil, plaintiffs' appeal is dismissed where the order was not final and appealable because claims against the business remained pending, and the judgment entry did not contain the required language of Civ.R. 54(B) that there was no just reason for delay.

Breach/Percentage of revenue/Calculation/Summary judgment. [Ohio Veterans & Fraternal Charitable Coalition, Inc. v. Charitable Mgt. & Capital Group, L.L.C. | 2025-Ohio-1191 | 10th Appellate District | 04/03/2025](#) In plaintiff-charitable coalition's breach of contract action against defendant-management group that provided software technology for raffle machines, alleging that defendant failed to pay the fee based on revenue from the raffle machines, as required under the parties' contract, summary judgment in favor of defendant is reversed where defendant admitted breach of the agreement, and the question remains as to plaintiff's damages based on the actual revenue from the raffle machines operating the software in question and on defendant's subsequent failure to pay plaintiff a percentage of gross revenue from those machines.

Corporate and Business

Fiduciary duty/Settlement/Enforcement/Attorney-client privilege. [Barrett v. Wagenbrenner | 2025-Ohio-2494 | 10th Appellate District | 07/15/2025](#) In plaintiff's breach of fiduciary duty action against defendants-company directors alleging that they had schemed to force him out of company where the parties engaged in settlement negotiations and filed motions to enforce agreement, resulting in a hearing in

which plaintiff's attorney questioned defendants' attorney, the trial court erred in finding that defendants had waived the attorney-client privilege when defendants consented to counsel taking the stand since that consent did not waive disclosure of anything prohibited by R.C. 2307.02(A)(1), and even if counsel's testimony was irrelevant or impermissible parol evidence to show defendants' intent with respect to plaintiff, forcing counsel to divulge confidential information was not an available remedy.

LLC operating agreement/Arbitration/Frivolous conduct. [Larsen Medina, L.L.C. v. Echelon Senior Living Group, L.L.C. | 2025-Ohio-2282 | 9th Appellate District | 06/30/2025](#) After plaintiff-member of LLC petitioned the trial court, R.C. 2711.03, to enforce an arbitration clause contained in amended operating agreement and trial court granted the petition and compelled arbitration, prompting plaintiff to move for sanctions against defendants-LLC and other members, R.C. 2323.51 and Civ.R.11, asserting that defendants' brief in opposition to arbitration addressed the substance of the matter instead of its arbitrability and, as such, the objections could not be appropriately raised in opposition to arbitration, trial court did not err in denying plaintiff's motion for sanctions where defendants' challenge to arbitration was not frivolous or sanctionable, R.C. 2323.51, because arbitrability was intertwined with substance and timing of plaintiff's claims, and the arbitration clause in prior agreement which plaintiff sought to invoke was supplanted by amended agreement from which plaintiff was no longer entitled to benefit.

Contract/Fiduciary duty/Directors/Dissolved nonprofit. [Mills Fence Co., L.L.C. v. Kinne | 2025-Ohio-2247 | 1st Appellate District | 06/27/2025](#) In plaintiff-contractor's amended complaint asserting breach of fiduciary duty against defendants-former directors of dissolved nonprofit corporation for failure to pay for work performed on nonprofit property, where former directors repaid themselves for founders loans they had made to nonprofit rather than paying plaintiff, the trial court erred in finding that defendants breached their fiduciary duty owed to plaintiff as creditor of nonprofit where the

debtor-creditor relationship between the parties did not create a fiduciary relationship, defendants were not personally liable for obligations of the dissolved nonprofit, R.C. 1702.55(A), and while R.C. 1702.49 provides that when directors are winding up a corporation, they may apply assets to the payment of obligations, this is a permissive, rather than mandatory, provision.

Sale of business/Successive actions/Claim preclusion/Test. [Starnier v. Johnson | 2025-Ohio-2131 | 10th Appellate District | 06/17/2025](#) In plaintiff-business owner's action—arising from sale of business—asserting claims that included fraud, breach of contract, securities violations, and civil conspiracy, after plaintiff had previously obtained a judgment against defendants on a cognovit note, trial court's summary judgment for defendants is affirmed on reasoning that plaintiff's claims are barred by res judicata where the appellate court applied the four-part test for claim preclusion and concluded that all claims in the second suit arose from the same transaction as the cognovit note litigation that resulted in a final judgment on the merits, and defendants in the second action were either parties to, or in privity with, parties in the prior suit, due to corporate relationships, aligned interests, and active participation in the earlier litigation; plaintiff's attempt to avoid claim preclusion by referencing prior arguments against its application is without merit.

Ownership/Joint stipulations/Receiver/Dismissal with prejudice. [Steuer Revocable Trust v. Strauss | 2025-Ohio-2111 | 11th Appellate District | 06/16/2025](#) In business dispute in which plaintiff-trust asserted that it had half membership interest in LLC and raised claims against defendants-trust and attorney for breach of the LLC's operating agreement, breach of fiduciary duty, and for an accounting, prompting defendants to file a counterclaim that resulted in the parties' stipulation that each trust held a 50% membership interest, that an operating agreement governed the entity, and that the case would be dismissed without prejudice, Civ.R. 41(A)(1), the trial court did not err in applying Civ.R. 66 and Civ.R. 41(A)(2), to dismiss the case with prejudice, as

Corporate and Business (Continued)

a receiver had been appointed and the stipulations resolved the core issues, and defendants' challenge of receiver's appointment and qualifications are without merit as being untimely under App.R. 4(A)(1) and as being previously dismissed for lack of standing; as well, the argument that the trial court erred in dismissing all the claims without a hearing is meritless since defendants failed to support their claims with authority, App.R. 16(A)(7), and the receivership had not terminated when the dismissal occurred, thus justifying the trial court's application of Civ.R. 66.

Receiver/Assets/Consent. [Reese v. Deuer | 2025-Ohio-1205 | 2nd Appellate District | 04/04/2025](#) In plaintiffs' action against defendant-business partner, alleging failure to file partnership's biennial report which resulted in cancellation of the partnership, trial court's order granting plaintiffs' motion to appoint a receiver is affirmed on reasoning that the appointment was proper, given the risk to partnership assets and defendant's in-court statements consenting to receivership, but the court's order requiring the receiver to turn over all receivership property to plaintiffs upon termination of the receivership is reversed where defendant would be precluded from receiving any of partnership's property and income, and he had ownership interest in property under the partnership agreement, R.C. 2735.04.

Criminal

Insanity/Conflicting expert testimony/Sentencing/Allied offenses/Separate animus. [State v. Cochran | 2025-Ohio-2697 | 5th Appellate District | 07/31/2025](#) In a bench conviction of kidnapping, abduction, domestic violence, aggravated menacing, and assault, with the trial court denying defendant's-wife's not guilty by reason of insanity defense, the court of appeals holds that the trial court did not err in crediting the state's expert, who testified that defendant did not suffer from a severe mental disease or lack of awareness of her conduct's wrongfulness; also, the trial court did not err by rejecting defendant's argument that the trial court erred by not merging the domestic violence and

aggravated menacing offense with her kidnapping offense since the offenses involved separate, identifiable harms and were committed with separate animus where defendant failed to prove that the act of restraining her husband's liberty and causing him to believe that she was going to cause him imminent harm are offenses that should be merged.

Drug offense/Prior conviction evidence/Probative value. [State v. Nicholson | 2025-Ohio-2639 | 3rd Appellate District | 07/28/2025](#) Defendant's conviction of possession of cocaine under R.C. 2925.11(A) is reversed and remanded for a new trial since the trial court erred in admitting evidence of prior convictions for impeachment where prior convictions were inadmissible under Evid.R. 609(B) because the trial court failed to make the required determination that their probative value substantially outweighed their prejudicial effect, and the error was not cured by the limiting instruction, especially given the prejudicial impact of admitting a prior conviction for the same offense that defendant was charged with in the instant case.

Vandalism/Theft/Verdict findings/Value of property. [State v. Vance | 2025-Ohio-2599 | 8th Appellate District | 07/24/2025](#) Defendant's convictions of fourth-degree felony vandalism and theft under R.C. 2909.05(B)(2) and 2913.02(A)(2) are reversed, and the case is remanded for further proceedings, where the jury failed to make the necessary findings on the verdict forms regarding the value of the property involved, and under R.C. 2945.75(A)(2), such omissions reduce the offenses to their lowest degrees—fifth-degree felony vandalism and first-degree misdemeanor theft, respectively; as well, the trial court erred by not merging the offenses for sentencing despite the state's agreement at the sentencing hearing to proceed only on the vandalism count.

Suppression/Protective sweep/Reasonable suspicion. [State v. Leneo | 2025-Ohio-2582 | 9th Appellate District | 07/23/2025](#) Suppression of a firearm discovered during a protective vehicle sweep is reversed on reasoning that the search was justified under Terry v. Ohio, 392 U.S. 1 (1968) where officer had

reasonable, articulable suspicion that defendant posed a danger based on specific and credible testimony of erratic driving behavior following observed traffic infractions, furtive movements in a high-crime area, and visible nervousness during the stop; the trial court had relied on body camera footage to discredit officer's observations, but the appellate court held that the video did not contradict his testimony and that his account was supported by competent, credible evidence, so the case is remanded for further proceedings.

Sentencing/Maximum/Consecutive/Consent to search/Aggravating factor. [State v. Dawes | 2025-Ohio-2576 | 6th Appellate District | 07/22/2025](#) In defendant's convictions by plea to possession of criminal tools and attempted possession of marijuana, both first-degree misdemeanors, imposition of maximum, consecutive jail sentences within statutory limits, R.C. 2929.24, was error where the trial court had improperly considered defendant's refusal to consent to a search of his cell phone—a protected constitutional right—as an aggravating factor during sentencing, and penalizing a defendant for exercising such rights violates due process and constitutes an abuse of discretion, so the case is remanded with instructions to resentence defendant in compliance with lawful sentencing principles.

Domestic violence/Protection order violation/No contest plea/Procedure. [State v. Buffington | 2025-Ohio-2575 | 4th Appellate District | 07/22/2025](#) Defendant's convictions in two municipal court cases—domestic violence threat under R.C. 2919.25(C) and violation of a temporary protection order under R.C. 2919.27—are reversed because there was plain error in trial court's procedures in accepting defendant's no contest pleas in accordance with Crim.R. 11(E) where the trial court did not personally address defendant to elicit his plea and failed to advise defendant of the legal effect of a no contest plea, as required by Crim.R. 11(B); as well, no signed plea documents appeared in the record, and the transcript lacked any express oral plea from defendant, so the case is remanded for further proceedings.

Carrying concealed weapon/Age restriction/Constitutionality. [State v. Lawson | 2025-Ohio-2650 | 4th Appellate District | 07/17/2025](#) In conviction of 18 year-old defendant for carrying a concealed weapon, R.C. 2923.12, trial court's denial of defendant's motion to dismiss is reversed, and the case is remanded for further proceedings, where defendant challenged the constitutionality of Ohio's concealed carry statute—specifically R.C. 2923.111, which restricts permitless carry to individuals aged 21 and over—and the trial court erred by relying on outdated precedent (*Klein v. Leis*, 2003-Ohio-4779) and by failing to apply the controlling U.S. Supreme Court analysis from *New York State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1 (2022); under *Bruen*, once conduct is covered by the Second Amendment's plain text, the burden shifts to the government to justify the regulation through historical tradition, and because the trial court did not assess whether R.C. 2923.111's age restriction aligns with that tradition, the appellate court concluded that a remand was necessary to apply the proper constitutional test and to determine whether the statute, as applied to defendant, passes scrutiny.

Miranda/Voluntary interview. [State v. Jewell | 2025-Ohio-2496 | 1st Appellate District | 07/16/2025](#) In a conviction of, inter alia, murder, with defendant arguing his statements to police were inadmissible under *Miranda*, but the court of appeals held no *Miranda* violation occurred because he initiated the first interview while incarcerated, and thus he was not in custody for *Miranda* purposes, and he also voluntarily waived his rights in a second interview; also, the conviction was supported by sufficient evidence and was not against the weight of evidence based on corroborated testimony from co-defendants, forensic evidence, surveillance video, and his own statements, and his ineffective-assistance claim failed because trial counsel's omission of an Ohio constitutional claim did not prejudice the outcome.

Sentencing/Community control/Lockdown. [State v. Kirkendall | 2025-Ohio-2497 | 1st Appellate District | 07/16/2025](#) Imposition of community control sentence after defendant's conviction by plea to misdemeanor aggravated menacing under R.C. 2903.21(A) is reversed and remanded where the sentence included "24/7 lockdown" house arrest with hours out only for verified treatment, and such a restriction is contrary to R.C. 2929.01(P)(1), which defines house arrest as confinement that must include permission to leave for employment, without requiring specific court authorization, and while it can limit access to "other premises," offenders must be allowed to leave for work by default; the appellate court emphasized the rehabilitative importance of employment and noted that community control sanctions must align with the purposes of misdemeanor sentencing under R.C. 2929.21(A), including rehabilitation.

Drug offenses/Entrapment/Forfeiture. [State v. Perry | 2025-Ohio-2566 | 4th Appellate District | 07/16/2025](#) Defendant's convictions for multiple counts of aggravated drug trafficking are affirmed, but the trial court's forfeiture order of defendant's vehicle is reversed and remanded for a forfeiture hearing under R.C. 2981.09 where defendant's argument that the trial court erred in rejecting his pretrial motion to dismiss based on "outrageous government conduct," which he claimed was distinct from an entrapment defense is without merit since the law recognizes only the subjective entrapment defense and does not permit a separate due process defense for alleged outrageous government conduct in the context of entrapment; however, the trial court's forfeiture of defendant's vehicle was plain error on the basis that the trial court failed to conduct the proportionality review required under R.C. 2981.04(B) and 2981.09, and the court's failure to evaluate whether the forfeiture was proportional to the offense violated the constitutional protection against excessive fines.

Protection order violation/Sentencing. [State v. Ford | 2025-Ohio-2476 | 7th Appellate District | 07/11/2025](#) In a conviction by a guilty plea to first-degree misdemeanor violating a protection order, R.C.

2919.27(A)(2), the trial court's imposition of the maximum sentence of 180 days in jail, with 120 days suspended, with defendant arguing that the sentence was contrary to the misdemeanor sentencing provisions in R.C. 2929.21 and R.C. 2929.22 given her lack of prior criminal history and her assurance that she would not contact the victim again, but the court of appeals held that the trial court properly considered the sentencing statutory factors, including the nature and escalation of her conduct, the substantial risk of recidivism, and the impact on the victim, with the appellate court emphasizing that uncharged conduct and information in the presentence investigation report and victim impact statement, including defendant's threats, harassment, and actions endangering the victim's child, were proper considerations.

Sentencing/Felony murder/Violent offender notifications. [State v. Jenkins | 2025-Ohio-2466 | 2nd Appellate District | 07/11/2025](#) In a conviction by a guilty plea to felony murder with a firearm specification, with the trial court sentencing defendant to 18 years to life in prison, the court of appeals holds that although the trial court read a "Notice of Duties to Enroll as a Violent Offender" form at sentencing and defendant signed it, the trial court failed to provide the mandatory statutory advisements before sentencing required by R.C. 2903.42(A)(1)(a) by not informing defendant of the rebuttable presumption of enrollment, his right to file a motion to rebut it, the procedure and criteria for rebuttal, or the possible outcomes of the motion; cause remanded for compliance with R.C. 2903.42.

Civil stalking protection order/Sealed records/Harmless error. [Lakewood v. Smith | 2025-Ohio-2447 | 8th Appellate District | 07/10/2025](#) In a conviction of violating an ex parte civil stalking protection order (CSPO), R.C. 2919.27(A)(2), although the court of appeals held that the trial court erred by admitting sealed records from the CSPO proceeding, acknowledging defendant's knowledge of the order, violated R.C. 2903.214(G)(2), mandating sealing of those records, but the appellate court found this error harmless under *Crim.R. 52(A)* since independent testimony from

Criminal (Continued)

an officer established that defendant had been served with the order prior to his sending a prohibited letter to the protected party, and the court of appeals also found no merit in defendant's argument that the CSPO's later denial and sealing rendered the prior ex parte order retroactively invalid.

Domestic violence/Video statement/Jury instruction/Plain error. [State v. Burge | 2025-Ohio-2463 | 5th Appellate District | 07/09/2025](#)

Defendant's conviction of fourth-degree felony domestic violence is affirmed and defendant's argument that the trial court erred in giving a jury instruction that limited jurors to considering his out-of-court statement, captured on a deputy's body camera, solely for assessing his demeanor rather than for its truth is without merit where defendant did not object at trial, the appellate court reviewed the issue for plain error under Crim.R. 52(B) and 30(A), which requires a showing that the outcome would have been different but for the error, and the court acknowledged that defendant's denial of guilt, recorded on video and introduced by the state, qualified as non-hearsay under Evid.R. 801(D) (2) and could properly have been considered for its truth, but any error in the jury instruction was not plain error, as substantial evidence—including the victim's testimony and corroborating observations from a sheriff's deputy—supported the conviction.

Obstructing official business/Resisting arrest. [State v. Dowell | 2025-Ohio-2425 | 1st Appellate District | 07/09/2025](#) In an appeal by the state of the trial court's dismissal of criminal charges for obstructing official business and resisting arrest, arising from defendant's being subject to civil commitment under R.C. 5122.10 after expressing suicidal ideation and her refusal to comply with police efforts to transport her for mental health treatment, with the trial court dismissing the charges on reasoning that R.C. Chapter 5122 does not impose criminal penalties for refusing civil commitment, but the court of appeals reverses, holding that obstruction does not require a defendant to commit an illegal act, but only an affirmative act impeding a

public official's duties, and defendant's physical resistance during the officers' attempt to handcuff her satisfied the statutory elements; in addition, the resisting arrest charge was also valid because the underlying obstruction provided a lawful basis for arrest and the appellate court conducted a de novo review, concluding the complaints were legally sufficient on their face; cause remanded for further proceedings.

Witnesses/Child victim statements/Evid.R. 803(4)/Hearsay/Evid.R. 807/Confrontation Clause. [State v. Carson | 2025-Ohio-2409 | 10th Appellate District | 07/08/2025](#) In a conviction of three counts of rape of a minor, R.C. 2907.02(A)(1)(b), the trial court erred by admitting out-of-court statements made by the alleged child victim to her mother, Evid.R. 807, without making the necessary findings of fact and holding a competency hearing, and the trial court also improperly admitted the minor's entire forensic interview under Evid.R. 803(4), including testimonial and contextual statements not made for medical diagnosis or treatment, violating defendant's Confrontation Clause rights, Crawford, and although the court of appeals concluded the remaining admissible evidence, including the child's medically-oriented statements, was legally sufficient to support the conviction, the court found that the admission of the inadmissible hearsay was not harmless beyond a reasonable doubt since it may have contributed to the conviction; case remanded for a new trial.

Costs/Supervision/Confinement/Ability to pay. [State v. De La Rosa | 2025-Ohio-2418 | 6th Appellate District | 07/08/2025](#) In a conviction of unlawful sexual conduct with a minor, R.C. 2907.04(A) and (B)(3), with defendant sentenced to 54 months in prison, the court of appeals holds that the trial court erred in imposing the costs of supervision since those costs only apply to community control sanctions, not prison sentences, and thus the appellate court vacated that portion of the judgment, but the court upheld the trial court's imposition of the costs of confinement, finding that the trial court complied with R.C. 2929.19(A)(5) by affirmatively considering the defendant's ability to pay as supported by the presentence investigation report and sentencing

hearing record, notwithstanding defendant's argument that his mental health and lack of verified employment history should have precluded those costs.

Grand theft/Indictment/Aggregation of multiple thefts/Lack of notice of common course of conduct. [State v. Topp | 2025-Ohio-2388 | 3rd Appellate District | 07/07/2025](#) In an appeal of a conviction of grand theft, R.C. 2913.02(A)(2) and (B)(2), the court of appeals finds that the indictment failed to allege facts necessary to support aggregation of multiple thefts under R.C. 2913.61(C)(2), where defendant, a member of two limited liability corporations, was accused of misappropriating business funds for personal use in amounts of less than \$7,500 each, but totaling over \$44,000 across both corporations, with the state aggregating these amounts to elevate the charge to a fourth-degree felony, but the court of appeals held that type of aggregation requires the state to allege and prove a "common course of conduct to defraud multiple victims" as set forth in R.C. 2913.61(C) (2) and (C)(4), but the indictment failed to include that allegation, and no bill of particulars or filing supplied the missing notice, and because this omission deprived defendant of notice of the basis for aggregation and the elevated charge, the court of appeals reversed the felony conviction; case remanded for entry of judgment on the unenhanced offense of theft, a first-degree misdemeanor under R.C. 2913.02(B)(1).

Sentencing/Felony offense/Firearm specification/Prison/Dissent. [State v. Hankins Liles | 2025-Ohio-2324 | Supreme Court of Ohio | 07/03/2025](#) Judgment of the Third District Court of Appeals is affirmed on the authority of State v. Logan, 2025-Ohio-1772; there is a dissent based on dissent in Logan.

Domestic violence/Confront witnesses/Body camera/Cross-examination. [State v. Oatneal | 2025-Ohio-2357 | 2nd Appellate District | 07/03/2025](#) Defendant's conviction of domestic violence is reversed for violation of defendant's Sixth Amendment right to confront witnesses where the conviction was based primarily on statements made by the alleged victim during a police interview recorded by a body camera,

without alleged victim testifying at trial, depriving defendant of the opportunity to cross-examine her, and alleged victim's statements were testimonial, as they described past events, were not made during an ongoing emergency, and were not excited utterances that would be a hearsay exception, Evid.R. 803(2), since alleged victim was calm and reflective during her statements; because the body camera footage was the only evidence supporting the conviction, the court also found the evidence insufficient under R.C. 2919.25(A).

Post-conviction relief/Successive and untimely petition/Newly discovered evidence. [State v. Jackson | 2025-Ohio-2363 | 8th Appellate District | 07/03/2025](#) After a conviction of, inter alia, aggravated murder, and imposition of the death penalty, that the Ohio Supreme Court affirmed, the court of appeals holds that the trial court erred by granting petitioner's successive petition for post-conviction relief petitioner failed to meet the jurisdictional requirements under R.C. 2953.23(A)(1)(a), mandating that a petitioner demonstrate being "unavoidably prevented" from discovering the facts supporting the claim since, notwithstanding a new diagnosis of schizoaffective disorder, the court of appeals concluded that the symptoms were well-documented in his prior evaluations, trial records, and earlier petitions, making the diagnosis an additional interpretation, not newly discovered facts, and petitioner also failed to present clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have convicted or sentenced him to death, with the court of appeals also finding the trial court erred by granting relief without holding an evidentiary hearing, as required by R.C. 2953.21(F).

Sentencing/Community control/Prison presumption. [State v. Nosrati | 2025-Ohio-2343 | 5th Appellate District | 07/02/2025](#) After defendant pled guilty to one count of felonious assault, R.C. 2903.11(A)(2), and the trial court sentenced him to a three-year term of community control, the trial court erred in failing to make the statutory findings required under R.C. 2929.13(D)(2) to overcome the presumption in favor of a prison term for a second-degree felony where,

although the trial court made findings suggesting a lesser likelihood of recidivism under R.C. 2929.13(D)(2)(a), it failed to make the additional required finding under R.C. 2929.13(D)(2)(b)—that community control would not demean the seriousness of the offense based on factors under R.C. 2929.12; because the trial court did not articulate what factors made defendant's conduct less serious than typical felonious assault, and the sentencing entry merely stated he was "amenable, the proper statutory analysis was lacking, and the case was remanded for the trial court to conduct a full sentencing analysis in accordance with R.C. 2929.13(D)(2).

Search/Warrantless/Standing/Exigent circumstances. [State v. Reynolds | 2025-Ohio-2347 | 5th Appellate District | 07/02/2025](#) In a shooting incident in which police conducted a warrantless search of defendant's residence and defendant filed a motion to suppress evidence obtained during the search, trial court's denial of defendant's motion solely on reasoning that defendant lacked standing is reversed since the state had not raised the issue of standing during the suppression hearing and therefore forfeited the argument on appeal; defendant only bears the burden of establishing a legitimate expectation of privacy when the state contests standing, so since the state failed to contest standing in the trial court, defendant was not required to prove standing, and the case is remanded for further proceedings to determine whether exigent circumstances justified the warrantless search.

Suppression/Single geolocation point/Voluntarily shared. [State v. Diaw | 2025-Ohio-2323 | Supreme Court of Ohio | 07/02/2025](#) In prosecution of defendant, arising from alleged theft of money from victim who met with defendant to purchase a laptop computer, where police, without a warrant, obtained a single historical geolocation data point provided by an online marketplace app, the court of appeals' judgment denying defendant's motion to suppress the information obtained by police is affirmed since, under the Fourth Amendment, individuals have no reasonable expectation of privacy in information voluntarily shared with

third parties, such as location data submitted to an app used to facilitate in-person sales; the instant case involved only a single, voluntarily shared data point, not revealing continuous movement or real-time location, rather than a warrantless collection of extensive cell-site location data over time, and law enforcement's conduct did not constitute a "search" under the Fourth Amendment.

Drug offenses/Search/Suppression/Plea/Sentencing. [State v. Williams | 2025-Ohio-2331 | 6th Appellate District | 07/01/2025](#) In prosecution for drug offenses, denial of defendant's motion to suppress evidence is affirmed, but for different reasons, where search warrant for defendant's apartment was supported by probable cause based on the totality of the circumstances, including a six-month narcotics investigation, corroborated tips from a reliable informant, surveillance evidence connecting defendant to drug activity at multiple locations, and observations of him transporting a suspicious bag from a known drug house to the apartment searched, and while the trial court had found probable cause lacking but admitted the evidence under the good faith exception, the result is the same; however, defendant's conviction pursuant to his no-contest plea is reversed because the trial court failed to strictly comply with Crim.R. 11(C)(2)(c) by not informing defendant of his constitutional right to require the state to prove guilt beyond a reasonable doubt, so the case is remanded.

Jury/Venire/Sixth Amendment/Ineffective assistance/Self-defense/Forfeiture. [State v. DeLong | 2025-Ohio-2432 | 4th Appellate District | 07/01/2025](#) In a conviction of first-degree involuntary manslaughter, R.C. 2903.04(A), with defendant arguing that the jury venire underrepresented elderly citizens by including motor-vehicle registrants with the voter list, but the court of appeals holds the jury pool did not violate defendant's Sixth Amendment right to a cross-section of the community because age is not a "distinctive group" under the Sixth Amendment, Duren, and that three recent venires showing fewer seniors in the county did not constitute systematic exclusion, McNeill; also, defense counsel's request for a self-defense instruction, rather than

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accident, did not constitute ineffective assistance since it was reasonable trial strategy in view of the conflicting evidence, but both parties agree the trial court erred by forfeiting the weapon used since there was no indictment specification or jury determination.

Bail/Forfeiture/Failure to appear.

[State v. Williams | 2025-Ohio-2288 | 9th Appellate District | 06/30/2025](#)

Trial court's judgment ordering surety to forfeit \$5,000 after the defendant failed to appear in court is reversed where defendant was arrested and appeared in court—prior to the scheduled show cause hearing at which he also appeared—since under R.C. 2937.36(C) and *State v. Holmes*, 57 Ohio St.3d 11 (1991), timely production of the defendant constitutes “good cause” to avoid forfeiture, even if the surety fails to attend the hearing or file a motion; because defendant appeared before the court, the trial court's judgment against the surety was improper, so the case is remanded.

Plea/Withdrawal/Crim.R. 32.1/

Res judicata. [State v. Hubal | 2025-Ohio-2320 | 5th Appellate District | 06/30/2025](#) In a conviction by an Alford plea to rape and related charges involving a minor, the trial court erred by subsequently granting defendant's Crim.R. 32.1 motion to withdraw his plea, with the court of appeals holding the trial court erred by refusing to apply res judicata since defendant had raised similar claims in a prior motion in 2023 that was denied and affirmed, notwithstanding that the trial court found that the now-adult stepdaughter's subsequent recantation justified an exception to res judicata, with the appellate court holding that the recantation was already known at the time of defendant's first motion, and thus res judicata barred the successive motion raising issues that could have been previously addressed by the trial court; judgment reversed and case remanded, R.C. 2953.21.

Aggravated assault/Battered woman syndrome/Self-defense. [State v. Rice | 2025-Ohio-2264 | 6th Appellate District | 06/27/2025](#) In a bench conviction of aggravated assault, R.C. 2903.12, involving defendant's

shooting of her ex-boyfriend and asserting self-defense based on battered woman syndrome under R.C. 2901.06(B), with the trial court excluding parts of defendant's expert's testimony, but concluding that defendant acted under serious provocation, with the court of appeals rejecting defendant's arguments that the trial court erred by excluding parts of her expert's testimony, misapplying Evid.R. 404(B), and by holding that the verdict was not against the weight of the evidence, with the appellate court noting that the trial court admitted broad evidence of abusive relationships involving the victim and defendant and the victim's threats, as well as apartment surveillance video and 9-1-1 calls, while excluding only the victim's juvenile record, and although there was conflicting testimony about whether defendant returned after walking away from the victim after she shot him, the evidence showed that defendant fired a first, arguably defensive shot at him, wounding him, but then after she walked away from him, she approached him again as he lay wounded and fired two more shots into him.

Expungement/Eligibility/Res judicata.

[State v. Smith | 2025-Ohio-2166 | 2nd Appellate District | 06/20/2025](#) Court of appeals affirms the trial court's denial of applicant's second application to expunge a minor misdemeanor conviction for disorderly conduct, holding that although applicant was eligible under R.C. 2953.32(B)(1)(b)(ii), the application was barred by res judicata since the applicant had previously filed an identical application six months earlier but did not demonstrate that there were changed circumstances and he had not appealed the prior denial; on the merits, the trial court did not err in finding that under R.C. 2953.32(D)(1)(f), the state's interest in maintaining the record outweighed applicant's personal interest in expungement in light of applicant's long career in law enforcement; dissenting opinion filed.

Sentencing/Term/Reserved/Notice.

[State v. Fisher | 2025-Ohio-2155 | 8th Appellate District | 06/18/2025](#) After the defendant pled guilty to two felonies and was sentenced to one year of community control, and the trial court later imposed a 12-month prison term following a community

control violation, the court of appeals reversed and vacated the sentence, holding that the trial court failed to notify the defendant at the original sentencing of any specific prison term or range that could be imposed upon a violation, as required by R.C. 2929.19(B)(4) and *State v. Brooks*, 103 Ohio St.3d 134, 2004-Ohio-4746; because no prison term was reserved either orally at the sentencing hearing or in the journalized entry, the case was remanded for resentencing consistent with statutory requirements and precedent.

Plea/Motion to withdraw/Crim.R.

32.1/Ineffective assistance. [State v. Hubbard | 2025-Ohio-2150 | 8th Appellate District | 06/18/2025](#) Following a 2006 conviction by guilty plea to aggravated murder and murder, the trial court did not err in denying, without a hearing, defendant's successive Crim.R. 32.1 post-sentence motion to withdraw his guilty plea where defendant argued his guilty plea was not knowingly, voluntarily, and intelligently made due to ineffective assistance of counsel by not attending a DNA sample collection in violation of a court order and by defense counsel's failure to move to suppress that evidence, with the court of appeals holding the motion was barred by res judicata because the facts were known by defendant at the time of his plea and could have been raised on direct appeal, and even if res judicata did not apply, the court of appeals found no manifest injustice since defendant failed to demonstrate that counsel's absence affected the DNA results or that defendant would have rejected the plea and gone to trial but for counsel's conduct, Xie and Strickland.

Post-conviction relief/Untimely filed/Exceptions not applicable/Res judicata.

[State v. Jenkins | 2025-Ohio-2143 | 8th Appellate District | 06/18/2025](#) Following a 2009 conviction of multiple offenses, including aggravated murder, the trial court did not err by denying a 2023 post-conviction relief petition that alleged ineffective assistance of counsel for failing to call alibi witnesses and for failing to file a motion to suppress a photo array, with the court of appeals holding that the petition was untimely filed under R.C. 2953.21(A)(2), and petitioner

failed to establish either exception to an untimely filing under R.C. 2953.23(A)(1)(a) since he did not show he was unavoidably prevented from discovering the alleged new evidence, nor that it would clearly establish his innocence where the affidavits from potential alibi witnesses and the victim's mother were either cumulative of prior evidence or lacked sufficient credibility, and also, since petitioner's claims were previously raised or could have been raised in earlier proceedings, they were barred by res judicata, and the appellate court also found no due process violation in the denial of a hearing since petitioner failed to present substantive grounds for relief.

Search/Motion to suppress/Crim.R.

12(H)/Good cause. [State v. Bracey | 2025-Ohio-2133 | 6th Appellate District | 06/17/2025](#) In a conviction of improperly handling a firearm in a motor vehicle, R.C. 2923.16(B), the trial court erred by denying defendant's request to supplement his motion to suppress in order to argue that the initial traffic stop was racially pretextual, violating his U.S. Constitution Fourth and Fourteenth Amendment rights since, after new defense counsel was appointed, defendant timely moved for leave to supplement the motion to suppress with arguments challenging the constitutionality of the stop, and the trial court denied the motion without explanation, but the court of appeals holds that Crim.R. 12(H) permits relief from waiver for good cause and that the trial court's denial was arbitrary and unreasonable since the suppression issues were interrelated, and defendant raised the racial profiling argument soon after the original hearing; conviction reversed and cause remanded for further proceedings consistent with the decision of the court of appeals, with one judge concurring in part and dissenting in part.

Search/Warrantless/Motion to suppress. [State v. Curry | 2025-Ohio-2083 | 1st Appellate District | 06/13/2025](#) In a conviction by a no contest plea to drug, weapon, and tampering with evidence offenses, the trial court erred in denying a motion to suppress since the warrantless protective sweeps conducted by police after defendant's arrest

violated the U.S. Constitution Fourth Amendment and the Ohio Constitution, Art. I, Sec. 14, with the court of appeals holding that the state's claimed protective sweeps were unjustified because the officers lacked "specific and articulable facts" to reasonably suspect another dangerous individual remained in the apartment since defendant and the only other known occupant had been secured, the initial weapon was recovered outside the apartment, the officers had no evidence of additional individuals inside, and the state failed to raise inevitable discovery during the trial; dissenting opinion filed.

Search/Motion to suppress/Fourth Amendment/Unreasonable delay.

[State v. Tanner | 2025-Ohio-2087 | 2nd Appellate District | 06/13/2025](#) In a conviction of aggravated possession of drugs, R.C. 2925.11(A), the trial court erred in denying a motion to suppress evidence obtained during a traffic stop since defendant was stopped for a minor traffic violation, and the responding officer delayed issuing the citation while summoning a drug-sniffing canine, arriving approximately eight minutes into the stop and alerting 12 minutes after the stop began, the appellate court holding that the officer violated the Fourth Amendment by unreasonably prolonging the stop beyond the time needed to complete the traffic citation without a reasonable, articulable suspicion of drug activity since the factors cited by the officer, including his prior contact with the vehicle, a high-crime location, and the occupants' drug histories, did not justify delaying the stop for a canine sniff because the officer had completed the routine tasks and then suspended citation efforts solely to await the arrival of the canine.

Post-conviction relief/Findings of fact/Conclusions of law. [State v. Trujillo | 2025-Ohio-2069 | 8th Appellate District | 06/12/2025](#)

Denial of defendant's post-conviction relief is reversed and remanded, as defendant had alleged ineffective assistance of counsel, asserting that his attorney failed to inform him of the potential sentence (life without parole), prompting him to reject a plea offer, supporting his petition with an affidavit and text messages between counsel and his family, which the trial

court denied without a hearing, citing *State v. Osborn*, 2019-Ohio-2325, and labeling the affidavit "self-serving;" the appellate court (1) found that the trial court failed to comply with R.C. 2953.21(D) and (H), which require it to issue findings of fact and conclusions of law when denying such a petition, and (2) found that the trial court's conclusory reasoning to find the affidavit "self-serving" was insufficient without assessing the affidavit's credibility using the factors set forth in *State v. Calhoun*, 86 Ohio St.3d 279 (1999).

Sex offenses/Rape/Sufficiency of evidence. [State v. Coker | 2025-Ohio-2051 | Supreme Court of Ohio | 06/12/2025](#)

In an appeal by the state of the court of appeals reversal and vacation of defendant's conviction by a jury of three counts of rape of his wife, R.C. 2907.02, the Supreme Court of Ohio reverses and remands for further appellate review on defendant's remaining assignments of error, on reasoning that the court of appeals erred in holding that the state did not present sufficient evidence that defendant compelled his wife to engage in nonconsensual vaginal intercourse and oral sex with him during the indictment periods since the wife's use of terms in her testimony, including "have sex" or a similar phrase, did not lack specificity as to penetration, and the trial court correctly evaluated the wife's testimony in the light most favorable to the state because, in a rape case, inferences can be drawn against the accused and in favor of the state when the record supports it, Jenks.

Sentencing/Jail-time credit/Nunc pro tunc order. [State v. Jackson | 2025-Ohio-2070 | 8th Appellate District | 06/12/2025](#)

Nunc pro tunc order awarding defendant 451 days of jail-time credit is vacated, and the case is remanded for further proceedings, even though defendant, who had originally been sentenced to 24 months and was awarded 373 days of jail-time credit after resentencing, moved for (and was granted) additional credit based on time spent in custody in another state; the appellate court (1) held that this was not a proper use of a nunc pro tunc order under Crim.R. 36, as it modified rather than corrected the prior judgment and did not reflect

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what actually occurred at sentencing, and (2) emphasized that only clerical errors can be corrected nunc pro tunc, and jail-time credit for time served in the Ohio Department of Rehabilitation and Correction (ODRC) is determined by ODRC, not the trial court, under R.C. 2967.191.

Sentencing/Judicial release/Jail-time credit/Mandatory prison term.

[State v. Clinkscale | 2025-Ohio-2043 | Supreme Court of Ohio | 06/11/2025](#)

In defendant's conviction by plea to aggravated robbery, with an attached firearm specification, and to two counts of involuntary manslaughter, requiring a three-year mandatory prison term, where the trial court granted defendant's 2022 motion for judicial release, the court of appeals order affirming the trial court's order is reversed because defendant was sentenced to both mandatory and nonmandatory prison terms, thus preventing defendant from seeking judicial release, R.C. 2929.20, earlier than five years after he completed his mandatory prison term, and any jail-time credit, R.C. 2967.191, did not shorten the five-year waiting period to apply for judicial release, so defendant's motion for judicial release, filed before expiration of the five-year waiting period, was premature and should not have been considered by either the trial or appellate court; the case is remanded to the court of appeals for consideration of defendant's equal-protection argument.

Confrontation Clause/Wrongdoing/

Evid.R. 804(B)(6). [State v. Perry | 2025-Ohio-2054 | 10th Appellate District | 06/10/2025](#) In a conviction of felonious assault, R.C. 2903.11(A)(1), abduction, R.C. 2905.02(A)(2), and domestic violence, R.C. 2919.25(A), the appellate court rejected defendant's argument that his Confrontation Clause rights were violated when the trial court admitted the victim's grand jury testimony and out-of-court statements under Evid.R. 804(B)(6), finding the state had proven by a preponderance of the evidence that defendant had engaged in wrongdoing by his persistent jailhouse communications and coercion that caused the victim's unavailability at trial, and the court of

appeals concluded that the convictions were supported by sufficient evidence and not against the weight of the evidence in light of the extensive medical documentation of the victim's injuries and the victim's grand jury testimony that established serious physical harm.

Post-conviction relief/Timeliness/Dismissals. [State v. Robinson | 2025-Ohio-2026 | 2nd Appellate District | 06/06/2025](#)

Denial of defendant's post-conviction motion to dismiss with prejudice, Crim.R. 48(B), three charges that were previously dismissed without prejudice—earlier affirmed on appeal—is affirmed, even though defendant argued that there was a lack of prosecution and potential speedy trial violations, since the appellate court ruled that it did not have authority to reconsider or modify a final judgment, as courts lose jurisdiction once a judgment is affirmed on appeal, dismissals under Crim.R. 48(A) are discretionary and may only be with prejudice when a constitutional or statutory violation bars prosecution, and defendant's motion was barred by res judicata as issues had either been raised or could have been raised in earlier appeals or motions, and thus the motion was untimely under R.C. 2953.21 and did not meet exceptions in R.C. 2953.23 for post-conviction relief.

Plea/Indictment waiver. [State v. Eckelbarger | 2025-Ohio-2024 | 2nd Appellate District | 06/06/2025](#) In a prosecution for violating a protection order and an indicted charge of failure to comply with a police officer's signal, the trial court did not err in accepting defendant's guilty plea since the court complied with Crim.R. 11(C) and R.C. 2941.021 by obtaining a written waiver of indictment in open court before proceeding to the Crim.R. 11 colloquy and accepting the plea to the bill of information; because the record shows that the plea was knowing, voluntary, and intelligent, the defendant waived the right to challenge any non-jurisdictional defects, including any alleged defects in the waiver of indictment procedure.

Failure to comply/Sentencing/Consecutive sentences/Restitution.

[State v. Bolden | 2025-Ohio-2010 | 8th Appellate District | 06/05/2025](#) In a conviction of failure to comply,

R.C. 2921.331(B), the court of appeals reverses and remands for resentencing, finding the trial court imposed a prison term for the offense based on the trial court's misinterpretation of the law by erroneously determining it was required to impose a prison sentence for that offense merely because it sentenced defendant to prison on other counts, conflating the requirement in R.C. 2921.331(D) that any prison term for failure to comply must be served consecutively with a mandate to impose a prison term, with the court of appeals clarifying that R.C. 2921.331(D) mandates consecutive service "only if" a prison term is imposed and does not itself require imprisonment; the court of appeals also found inconsistencies between the oral pronouncement and the sentencing journal entry, including incorrect terms and an unannounced restitution order, violating Crim.R. 36, with the appellate court also noting the trial court failed to consider whether community control was appropriate under R.C. 2929.13(C) and 2921.331(C)(5)(b) and the court remanded for a full resentencing.

Sentencing/Community control/Extension/Due process. [Cleveland v. Harvey | 2025-Ohio-2005 | 8th Appellate District | 06/05/2025](#)

Housing court's decision to extend defendant's community control sanctions (CCS) and to impose a five-day jail sentence is reversed where defendant was originally sentenced to three years of CCS after pleading no contest to multiple housing code violations, and the trial court acted without authority by extending defendant's CCS and ordering jail time at a status hearing, which was not properly noticed as a CCS-violation hearing and failed to meet due process requirements; under R.C. 2929.25(D)(2), a court may impose or modify CCS conditions only after finding a violation, which requires proper notice and a fair hearing, but no valid CCS violation finding occurred on the record, so defendant's CCS expired, and the housing court no longer had jurisdiction over him.

Domestic violence/Dismissal/Sealing record. [State v. Brown | 2025-Ohio-2018 | 5th Appellate District | 06/04/2025](#) Denial of defendant's application to seal the record of a

dismissed domestic violence case is affirmed where, although defendant was eligible to seek sealing under R.C. 2953.33(A)(1) because the charges were dismissed, the trial court exercised its discretion under R.C. 2953.33(B)(2)(e) to weigh defendant's interests in sealing the record against the government's legitimate need to maintain it; the court's considerations included the fact that the dismissal was without prejudice and linked to defendant's agreement to a two-year civil protection order (CPO), which remained in effect, the continued need to preserve the record should enforcement or modification of the CPO be necessary, the statute of limitations for domestic violence had not expired, and defendant's failure to show any concrete professional harm from the record.

Felonious assault/Weapon disability/Sufficiency and weight of evidence.

[State v. Barnes | 2025-Ohio-1967 | 12th Appellate District | 06/02/2025](#) Conviction of felonious assault, R.C. 2903.11(A)(1), and of possessing a weapon while under disability, R.C. 2923.13(A)(2), stemming from defendant's violent attack on his girlfriend, resulting in her sustaining a broken arm and stab wound, met the sufficiency and weight of evidence standards because the trial evidence, including medical records and eyewitness testimony, supported the state's case since defendant's challenge to the trial court's jury instructions, arguing that, in addition to referencing the statutory definitions of "serious physical harm" in R.C. 2901.01(A)(5) and the assault element in R.C. 2903.11(A), the trial court improperly suggested that seeking medical treatment and having a bone fracture automatically established the element, but the court of appeals applied procedural standards pursuant to Crim.R. 30(A) and 52(B), and under a plain error review, held that although this language was erroneous, it did not prejudice the outcome in light of the overwhelming corroborative evidence.

Sentencing/Consecutive sentences.

[State v. McCune | 2025-Ohio-1950 | 6th Appellate District | 05/30/2025](#) In a conviction by plea to three counts of money laundering, R.C. 1315.55(A) (5) and 1315.99(C), the court of appeals reverses the trial court's imposition of consecutive prison sentences totaling

60 months, with the appellate court holding that the trial court failed to make the required findings under R.C. 2929.14(C)(4)(a), (b), or (c), necessary to impose consecutive sentences since, although the trial court used partial statutory language referencing the seriousness of the conduct, it did not find that any harm caused was "so great or unusual," nor did it state that multiple offenses were part of a course of conduct, with the court of appeals pointing out the trial court also failed to make any findings under subsections (a) or (c), and thus the appellate court held that under its appellate review authority, R.C. 2953.08(G)(2), the trial court's failure rendered the sentence contrary to law; sentence vacated and case remanded for resentencing.

Right to counsel/Advisement/Colloquy/Dissent.

[Parma Hts. v. Story | 2025-Ohio-1928 | 8th Appellate District | 05/29/2025](#) Defendant's misdemeanor convictions for resisting arrest, R.C. 2921.33(B), and obstructing official business, R.C. 2921.31(A), are reversed and the case is remanded for further proceedings since defendant's waiver of the right to counsel was not knowingly, voluntarily, and intelligently made where, although defendant was informed at arraignment of his right to an attorney and the availability of a public defender, Crim.R. 10(C) and 44(B), the trial court failed to conduct an adequate colloquy or provide the necessary advisements regarding the risks of self-representation as required under *Faretta v. California*, 422 U.S. 806 (1975); a valid waiver cannot be presumed from silence or noncompliance, the courts have a duty to thoroughly ensure that any waiver of counsel meets constitutional standards, and there is a dissenting opinion.

Murder/Self-defense/Ineffective

assistance. [State v. Norris | 2025-Ohio-1976 | 4th Appellate District | 05/29/2025](#) Conviction of murder, R.C. 2903.02(A), with a firearm specification, met the sufficiency and weight of evidence standards since self-defense is an affirmative defense and the state need not disprove it as an element under a sufficiency standard, but only under the weight of the evidence, *Messenger*, and the appellate court concluded the jury could reasonably find that defendant was at fault for initiating the

confrontation, that she lacked a bona fide belief of imminent danger, and that she failed to retreat despite having exits; the appellate court also found no deficient performance or prejudice in defense counsel's actions regarding competency or failure to object to a recorded jail call, nor did the acquittal of felonious assault invalidate the murder conviction since the charges involved distinct acts and weapons, *Lovejoy*.

Weapon offenses/Sufficiency and weight of evidence/Sentencing/Consecutive sentences.

[State v. Williams | 2025-Ohio-2593 | 8th Appellate District | 05/29/2025](#) In a conviction and imposition of a 16-year prison sentence for multiple firearm-related offenses, including discharge of a firearm on or near prohibited premises, R.C. 2923.162(A) (3), unlawful possession of dangerous ordnance, R.C. 2923.17(A), and two counts of having weapons while under disability, R.C. 2923.13(A)(2), the trial court did not err in finding the evidence sufficient and the conviction was not against the weight of evidence where surveillance footage, social media posts, forensic analysis, and circumstantial evidence linked defendant to a shooting and to weapons recovered during a later search, with the appellate court also upholding the imposition of consecutive six-year firearm specification sentences under R.C. 2929.14(C)(1)(a), finding that the trial court correctly treated the two events as separate in time, location, and purpose, and rejecting defendant's claim that the firearm offenses were part of a single act or transaction.

Sentencing/Plea/Advisement/Indefinite term.

[State v. Warr | 2025-Ohio-1935 | 8th Appellate District | 05/29/2025](#) In a case in which defendant entered pleas to multiple offenses, including first-degree felony drug trafficking under R.C. 2925.03(A) (2), which was subject to an indefinite sentence under the Reagan Tokes Law, and the trial court imposed a four-year minimum and six-year maximum term for that offense but failed to fully advise defendant of the statutory notifications required under R.C. 2929.19(B)(2)(c), including the rebuttable presumption of release at the minimum term, state department's authority to rebut that presumption,

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and the possibility of extended incarceration under R.C. 2967.271, the state conceded this error, and the appellate court agreed, citing *State v. Bradley*, 2022-Ohio-2954, and vacated only the indefinite portion of defendant's sentence and remanded for resentencing, limited to compliance with R.C. 2929.19(B)(2)(c).

Habeas corpus/Sentencing/Verdict forms/Language of order. [*State ex rel. Dodson v. Smith* | 2025-Ohio-1878 | Supreme Court of Ohio | 05/29/2025](#) Dismissal of defendant's petition for a writ of habeas corpus is affirmed where defendant was serving consecutive sentences for two separate convictions, and defendant's argument that his confinement was unlawful in one case because his name was mistakenly listed on the jury verdict forms, allegedly voiding jurisdiction, is without merit since the trial court had jurisdiction under R.C. 2931.03, and a clerical error in spelling defendant's name did not deprive the court of jurisdiction or render the conviction void; as well, defendant's claim that his sentencing entries in second case were ambiguous, so that his maximum sentences should be deemed expired, is also without merit where the sentencing language—ordering all sentences to run “consecutive”—was not ambiguous, even if lacking in precision, and defendant had an adequate remedy through direct appeal.

Search/Motion to suppress/Canine sniff. [*State v. Barton* | 2025-Ohio-1904 | 1st Appellate District | 05/28/2025](#) In a conviction by a plea of no contest to possession of drug-abuse instruments, the court of appeals affirms, holding that the trial court did not err by denying defendant's motion to suppress evidence obtained during a traffic stop, with the appellate court holding there was no unconstitutional search where a trained drug-detection dog placed its head through defendant's open window for approximately three seconds and alerted since the dog's brief, instinctual entry into the vehicle, that was not encouraged or facilitated by law enforcement, did not constitute a search under the Fourth Amendment where both parties stipulated that the

dog's action was instinctive and not prompted by the officer; a dissenting opinion was filed.

Plea/Advisement/Mandatory prison terms. [*State v. Williams* | 2025-Ohio-1909 | 9th Appellate District | 05/28/2025](#) Trial court's judgment accepting defendant's guilty plea is reversed and remanded for further proceedings, as defendant, who had pled guilty to several counts of traffic-related crimes, argued on appeal that his plea was not knowingly, voluntarily, and intelligently entered because the trial court failed to inform him that certain charges carried mandatory prison terms under R.C. 2903.08(D)(2)(b); the appellate court agreed, holding that the trial court failed to comply with Crim.R. 11(C)(2)(a), which requires informing defendants if they are ineligible for probation or community control sanctions, and that a complete failure to advise of a nonconstitutional right eliminates the need to show prejudice, so the plea must be vacated.

Voluntary manslaughter/Discharging a firearm on a prohibited premises/Self-defense/Evid.R. 404(B)/Shooting specifications. [*State v. Kinard* | 2025-Ohio-1907 | 9th Appellate District | 05/28/2025](#) In a conviction of two counts of voluntary manslaughter, felonious assault, discharging a firearm on a prohibited premises, and firearm specifications, arising out of a road-rage incident in which defendant fatally shot another driver, the court of appeals holds that the trial court did not err by excluding the victim's prior road-rage videos pursuant to Evid.R. 404(B), and that the jury's rejection of a self-defense claim was not against the weight of evidence, the convictions were supported by sufficient evidence and overruled his ineffective assistance claim concerning jury instructions, but the court of appeals held the trial court erred in sentencing defendant to multiple consecutive five-year terms for drive by shooting specifications pursuant to R.C. 2941.146(A) since the specifications are limited to a single term when the offenses are part of the same act or transaction under R.C. 2929.14(B)(1)(c)(iii), and the court of appeals vacated that portion of the sentence and remanded for resentencing on a single drive-by specification.

Speedy trial/Lack of actual prejudice. [*State v. Goodgame* | 2025-Ohio-1901 | 11th Appellate District | 05/27/2025](#) In a conviction of grand theft, the court of appeals affirms the trial court's holding that defendant's constitutional and statutory rights to a speedy trial were not violated by a 19-month delay between indicting him and his arrest, on reasoning that even though the delay was presumptively prejudicial under *Barker*: (1) the delay did not rise to the level of a United States or state constitutional violation; (2) the state was negligent, but not deliberately dilatory; (3) defendant's assertion of his right to a speedy trial came four months after counsel was appointed and was only slightly in his favor; and (4) defendant failed to demonstrate actual prejudice since any loss of evidence would have occurred prior to indictment; also, defendant's argument that the delay should begin with the municipal complaint was rejected because those pre-indictment intervals are not covered by the speedy trial right.

Certification of conflict/Reconsideration/En banc review. [*State v. McBride* | 2025-Ohio-1911 | 7th Appellate District | 05/23/2025](#) After a conviction of misdemeanor OVI, defendant filed a combined motion for reconsideration to certify a conflict and for an en banc review of the court of appeals' earlier decision that affirmed his misdemeanor OVI conviction, the court of appeals holds that defendant's argument that the trial court's judgment conflicted with the opinion in *Scudder* addressing the requirement under R.C. 2937.07 that, following a no contest plea to a misdemeanor, the trial court must enter a finding of guilt based on an explanation of circumstances, with the court of appeals rejecting the alleged conflict, noting that in *Scudder* the waiver was only implied, while in the present case, defendant signed an express written waiver of the explanation-of-circumstances requirement, *Whitlock*, with the appellate court concluding that no conflict existed on a rule of law, and the court; also denied, reconsideration under App.R. 26(A) and en banc review under App.R. 26(A)(2), finding no obvious error or intra-district conflict.

Theft/Misuse of credit cards/Unauthorized charges/Sufficiency and weight of evidence. [State v. Burnett | 2025-Ohio-1836 | 8th Appellate District | 05/22/2025](#) In convictions of misuse of credit cards, theft, and theft from a protected class, the court of appeals reverses, holding the state presented insufficient evidence to prove identity beyond a reasonable doubt, R.C. 2901.05(A), since although defendant healthcare aide created a DoorDash account used for a single authorized transaction and had access to the client's debit card, no evidence showed defendant made or benefited from the subsequent unauthorized charges because the state's investigation failed to link IP addresses, delivery locations, or devices to defendant and the state did not explore alternative suspects of the other employees of the company that defendant worked for, with the appellate court emphasizing that mere opportunity is insufficient to support a conviction and held that no rational trier of fact could have found defendant guilty on the evidence presented; convictions vacated.

Change of address/Speedy trial/Tolling. [State v. Arroyo | 2025-Ohio-1870 | 5th Appellate District | 05/22/2025](#) Defendant's conviction of failure to provide a change of address by plea is reversed with instructions to dismiss the case with prejudice due to a violation of his statutory speedy trial rights under R.C. 2941.401 where defendant was incarcerated on an unrelated matter and properly submitted a written request for final disposition of pending charges, and the state was required to bring him to trial within 180 days absent continuances granted for good cause in open court with the defendant or counsel present, but no such tolling events or compliance with statutory continuance requirements were met, so failure to comply with R.C. 2941.401 divested the trial court of subject-matter jurisdiction and rendered the indictment void, and defendant did not waive his jurisdictional challenge; there is a dissenting opinion.

Sealing record/Eligibility/Evidence. [State v. S.D.F. | 2025-Ohio-1832 | 8th Appellate District | 05/22/2025](#) Denial of defendant's application to seal his criminal record—where defendant had been convicted of two counts of a sex

offense—is affirmed since, although the state conceded that defendant was an "eligible offender" under R.C. 2953.32, defendant did not meet the burden of proof at the sealing hearing by failing to present any testimony or evidence to demonstrate rehabilitation or to show that his interest in sealing the record outweighed the government's interest in maintaining public access to the conviction; an applicant must affirmatively establish both rehabilitation and a compelling personal interest, which cannot be satisfied merely through counsel's arguments, R.C. 2953.32(D)(1)(c) and (f).

Mandatory bindover. [State v. Hutchins | 2025-Ohio-1831 | 8th Appellate District | 05/22/2025](#) Judgment binding 16 year-old defendant from juvenile court to adult court under mandatory bindover provision of R.C. 2152.10(A)(2)(b) is affirmed, and defendant's sentence is upheld under the Reagan Tokes Law, even though defendant, who had been charged with multiple offenses, (including aggravated robbery with a firearm, qualifying as an offense requiring bindover) challenged the constitutionality of the mandatory bindover statute on due process and equal protection grounds; the appellate court, applying *State v. Aalim*, 2017-Ohio-2956, reaffirmed that mandatory bindover provisions are constitutional, further rejecting defendant's argument that his sentence under the Reagan Tokes Law was facially unconstitutional, citing *State v. Hacker*, 2023-Ohio-2535, and *State v. Delvallie*, 2022-Ohio-470, which hold that the indefinite sentencing structure of the Reagan Tokes Law does not violate the separation of powers, due process, or the right to a jury trial.

Sentencing/Consecutive sentences/Findings. [State v. McFarland | 2025-Ohio-1816 | 4th Appellate District | 05/21/2025](#) In convictions of two defendants by Alford plea to two counts of failure to provide for a functionally impaired person and to two counts of attempted failure to provide for a functionally impaired person, in violation of R.C. 2903.16(A)(C)(1), and imposition of consecutive sentences, the court of appeals holds that the trial court erred by imposing consecutive sentences without making the required R.C. 2929.14(C)

(4) findings at the sentencing hearing and in the judgment entry, and moreover, the record does not clearly and convincingly support the imposition of consecutive sentences under R.C. 2953.08(G)(2), with the court of appeals pointing out the lack of any public safety threat and the extenuating medical circumstances surrounding the victim's death; cause remanded for resentencing.

Sentencing/Felony offense/Firearm specification/Prison/Dissent. [State v. Logan | 2025-Ohio-1772 | Supreme Court of Ohio | 05/21/2025](#) In a certified conflict case, the Supreme Court of Ohio holds that R.C. 2929.13(F)(8) requires a mandatory prison term and prohibits the imposition of community-control sanctions for a felony offense when a corresponding firearm specification is present, and in the instant case, defendant who was previously convicted of aggravated robbery—a first-degree felony barring firearm possession under R.C. 2923.13(A)(2)—later pleaded guilty to attempting to have weapons while under a disability, along with a one-year firearm specification under R.C. 2941.141(A), resulting in trial court's imposition of one year in prison for the specification and community control for the underlying felony, the judgment is reversed since firearm specifications are sentencing enhancements, and the phrase "any offense...that is a felony" in R.C. 2929.13(F)(8) applies to the underlying felony, prohibiting imposition of community control; there is a dissenting opinion.

Inmate's action/Filing requirements/Compliance. [Cotten v. Chambers-Smith | 2025-Ohio-1798 | 10th Appellate District | 05/20/2025](#) In relator-inmate's action titled "Peremptory Writ of Quo Warranto and Motion to Vacate a Void Judgment with Prejudice" against respondent-director of department of corrections, seeking an order for his immediate release from prison, trial court erred in granting respondent's Civ.R. 12(B)(1) and (6) motion to dismiss on reasoning that relator failed to comply with the mandatory filing requirements of R.C. 2969.25(A) by not filing an affidavit setting forth his prior civil actions and appeals since evidence showed that relator actually had attached an affidavit of civil actions and appeals to his reply brief on appeal, and the trial

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court did not consider the document to determine compliance with R.C. 2969.25(A) prior to dismissing the complaint.

Sex offenses/Evidence/Hearsay/Business records/Confrontation Clause. [State v. Addicott | 2025-Ohio-1785 | 11th Appellate District | 05/19/2025](#) In a conviction of two counts of pandering sexual obscenity involving a minor, R.C. 2907.321, four counts of pandering sexually-oriented matter involving a minor, R.C. 2907.322, and five counts of sexual conduct with an animal, R.C. 959.21, the court of appeals holds that the video provider's subscriber records used to link defendant to the material were properly admitted as self-authenticating business records pursuant to Evid.R. 803(6) and 902(11), but that certain reports used to support four of the R.C. 2907.322 counts were inadmissible hearsay and testimonial in nature for lack of proper foundation and were used to prove the truth of the matter asserted, thus violating the Confrontation Clause, Crawford, with the court of appeals vacating the convictions under those counts; case remanded for further proceedings.

Sealing/Expungement/Rehabilitation. [State v. Smith | 2025-Ohio-1749 | 1st Appellate District | 05/16/2025](#) Denial of applications to seal and expunge applicant's 2018 convictions for two counts of unlawful restraint, R.C. 2905.03, is affirmed by the court of appeals because, although the applicant was an eligible offender under R.C. 2953.32(D)(1)(a)–(b), he did not meet the remaining statutory factors in R.C. 2953.32(D)(1)(c) by failing to demonstrate sufficient rehabilitation, with the appellate court citing his lack of remorse and his attacks on the credibility of a victim years after entering a guilty plea, and the court of appeals also holds that under R.C. 2953.32(D)(1)(f), the state's and the victims' interests in maintaining the records outweighed the applicant's professional interest in career restoration; also discussed, there was no ineffective assistance of counsel.

In re M.D.S.. [Delinquency/Court costs/Indigency | 2025-Ohio-1761 | 2nd Appellate District | 05/16/2025](#) Imposition of court costs, R.C. 2743.70(A)(2), on child adjudicated delinquent for misdemeanor theft is reversed, and the case is remanded for proper indigency determination, as juvenile court had ruled that the cost was mandatory and non-waivable, despite having waived all other fines and costs after finding the juvenile indigent for purposes of appointing counsel; the appellate court held that R.C. 2151.54 expressly authorizes a juvenile court to waive mandatory costs required under R.C. 2743.70 when it finds the child indigent and waives all other costs or enters an order stating none will be taxed, finding that the trial court abused its discretion and further citing its prior decision in *In re D.L.M.*, 2025-Ohio-988 by clarifying that a finding of indigency for counsel does not automatically extend to court costs and that a separate analysis must occur.

Sentence modification/Unilateral. [State v. Jeffries | 2025-Ohio-1734 | 8th Appellate District | 05/15/2025](#) Trial court's attempt to modify defendant's sentence by issuing a new sentencing entry reducing the minimum term, based on communication from state department, is reversed and vacated, as defendant had been sentenced to life with parole eligibility after 20 years; the appellate court held that the trial court had no authority to unilaterally modify a final sentence unless authorized by statute, citing *State v. Carlisle*, 2011-Ohio-6553, and *State ex rel. Cruzado v. Zaleski*, 2006-Ohio-5795, and that, because the sentence was voidable (not void), it could only have been challenged under *State v. Harper*, 2020-Ohio-2913, and *State v. Henderson*, 2020-Ohio-4784, something defendant failed to do.

Plea/Excessive sentence/Reagan Tokes. [State v. Carmon | 2025-Ohio-1713 | 10th Appellate District | 05/13/2025](#) Judgment against defendant is reversed and defendant's guilty plea to multiple felonies (including a first-degree felony for possession of cocaine) are vacated, as the appellate court found that plea was not entered knowingly, intelligently, and voluntarily, violating Crim.R. 11(C), due to the trial court's plain error under Crim.R. 52(B), substantially affecting

defendant's rights; the trial court failed to inform defendant that the sentence for a possession charge carried a mandatory prison term, R.C. 2925.11(C)(4)(e), and that he was ineligible for community control sanctions, further not explaining the maximum possible penalty by not explaining the indefinite nature of the sentence under the Reagan Tokes Law, R.C. 2929.19(B)(2)(c), ultimately imposing a sentence exceeding the jointly recommended maximum.

Drug offenses/Suppression/Traffic stop/Probable cause. [State v. Fulton | 2025-Ohio-1707 | 11th Appellate District | 05/12/2025](#) In prosecution of defendant for drug offenses based on evidence obtained in a traffic stop, trial court's decision granting defendant's motion to suppress the evidence on reasoning that there was insufficient probable cause for the stop because the alleged traffic offense was used as a pretext based on the defendant's presence at a known drug location and also that the vehicle stopped on a sidewalk rather than in front of it, is reversed since the officer who was informed of the traffic violation by the officer who observed it had probable cause to stop the vehicle for a traffic violation, R.C. 4511.431(A) (failure to stop before crossing a sidewalk), and failure to issue a citation did not invalidate the stop.

Plea/Notifications/Reagan Tokes. [State v. Browne | 2025-Ohio-1697 | 3rd Appellate District | 05/12/2025](#) Defendant's sentencing is reversed and the case is remanded for resentencing due to the trial court's failure to provide mandatory notifications required under the Reagan Tokes Law and failure to provide notifications mandated by R.C.2929.19(B)(2)(c) (concerning the presumptive release and rebuttal procedures for indefinite sentences under R.C. 2967.271) during sentencing where defendant pleaded guilty to two drug offenses, that were both felonies, as part of a negotiated plea agreement that included an agreed sentence; because these notifications are a statutory requirement at the sentencing hearing, their omission rendered the sentence contrary to law and not authorized by law under R.C. 2953.08(D)(1).

Parole/Eligibility/Prohibition/Procedural requirements. [State ex rel. Ellis v. Adult Parole Auth. | 2025-Ohio-1625 | Supreme Court of Ohio | 05/08/2025](#) Dismissal of relator's petition for a writ of prohibition to prevent the Adult Parole Authority from conducting further parole hearings, alleging that it had unlawfully modified his sentence by determining parole eligibility based on statutory interpretation, is affirmed since defendant failed to meet the requirements for a writ of prohibition, which requires showing that the respondent is exercising judicial or quasi-judicial authority that is unauthorized by law and that there is no adequate legal remedy; as well, under R.C. 2967.02 and former R.C. 2967.13(H), the Parole Authority has jurisdiction over parole-eligible inmates and correctly calculated defendant's parole eligibility by applying the law in effect at the time of sentencing, and since the sentencing entry was silent on parole eligibility and did not contradict the statute, parole eligibility was determined by operation of law.

Domestic violence/Parental discipline/Totality of circumstances/Dissent. [Brooklyn v. Qasem | 2025-Ohio-1659 | 8th Appellate District | 05/08/2025](#) Defendant's bench trial conviction of domestic violence, R.C. 2919.25(A), for physically harming his 10 year-old son, based on testimony that defendant spanked the child during a chaotic visit marked by violent and defiant behavior by the child, is vacated where the appellate court reviewed the totality of the circumstances and concluded that defendant's disciplinary response—spanking the child after child had had struck others, screamed obscenities, and physically attacked defendant—was neither extreme nor excessive; because the evidence supported the affirmative defense of reasonable parental discipline, the conviction was against the manifest weight of the evidence; there is a dissenting opinion.

Plea/Right to confront witnesses/Crim.R. 11(C)(2)(c). [State v. Lucas | 2025-Ohio-1645 | 1st Appellate District | 05/08/2025](#) In a conviction by guilty plea to three counts of rape of a minor, R.C. 2907.02(A)(1)(b), and one count of gross sexual imposition, R.C. 2907.05(A)(4), the trial court erred by

failing to properly advise defendant of his constitutional right to confront witnesses during the plea colloquy, as required by Crim.R. 11(C)(2)(c), since the trial court's statement that defendant was "giving up [his] right to have witnesses against [him]" was constitutionally insufficient because it neither used the correct term "confront" nor explained his right to cross-examine witnesses, rendering the plea unknowing, unintelligent, and involuntary; case is remanded for further proceedings.

Seized money/Return/Burden of proof/Status of case. [Cleveland v. Kirby | 2025-Ohio-1663 | 8th Appellate District | 05/08/2025](#) After the state's motion to dismiss a murder charge against defendant was granted, trial court erred in granting defendant's motion for return of money seized upon her arrest where the court ordered return of property without requiring defendant to meet the statutory burden under R.C. 2981.03(A)(4), which mandates that a claimant prove by a preponderance of the evidence that the seizure was unlawful and that they are entitled to the property, defendant presented no evidence to satisfy this standard, and under R.C. 2981.11(A)(1), law enforcement may retain seized property pending its potential use as evidence or for another lawful purpose where defendant had recently been charged and the state indicated plans to re-indict her, supporting the need to retain the money as evidence.

New trial/Trial preparation/Balancing factors. [Cleveland v. Simmons | 2025-Ohio-1658 | 8th Appellate District | 05/08/2025](#) In a conviction of resisting arrest and criminal trespass, the trial court erred by denying defendant's pro se motion to continue trial for medical treatment and lack of trial readiness since the trial court failed to evaluate the continuance motion and forced defendant to trial while unprepared, with the court of appeals pointing out that defendant was representing himself and the trial court denied the motion without balancing the relevant factors, including the length and reason for the delay, prior continuances, inconvenience to the court and parties, and whether the request was dilatory or legitimate, Unger, with the court of appeals pointing out that defendant had

been jailed for contempt for 22 days, preventing him from a meaningful opportunity to prepare for trial, file a jury demand, or review discovery; cause is remanded for a new trial.

Sentencing/Reagan Tokes Law/Notifications. [State v. Kerns | 2025-Ohio-1703 | 4th Appellate District | 05/07/2025](#) In a conviction by guilty plea pursuant to a plea agreement to attempted murder, R.C. 2923.02(A), (E)(1), with no jointly recommended sentence, the trial court's imposition of an 11- to 16.5-year indefinite prison term was error since the trial court failed to provide defendant the required notifications pursuant to R.C. 2929.19(B)(2)(c) of the Reagan Tokes Law, rendering the sentence contrary to law under R.C. 2953.08(G)(2)(b); sentence is vacated and case is remanded for a new sentencing hearing to provide the required Reagan Tokes Law notifications and to correct a typographical error in the sentencing entry.

Recusal/Due process/Trial judge disqualification. [State v. Stratton | 2025-Ohio-1621 | 6th Appellate District | 05/06/2025](#) In a conviction of rape, R.C. 2907.02(A)(1)(b), the court of appeals holds that the trial judge's denial of defendant's pre-trial motion for the judge's recusal violated defendant's due process rights because the lead detective, who was the judge's stepson, conducted the investigation, assisted the prosecution and testified, Jud.Cond.R. 2.11(A)(2)(d) mandates a trial judge's disqualification when a judge's relative is a likely material witness and creates an "unconstitutional potential for bias," Elkins; however, the court of appeals denied defendant's sufficiency-of-the-evidence challenge, finding that the jury could reasonably conclude sexual satisfaction occurred, but the court deemed all other assignments moot and remanded the case for further proceedings.

Suppression/Identification/Opinion testimony. [State v. Rhines | 2025-Ohio-1571 | 2nd Appellate District | 05/02/2025](#) Denial of defendant's motion to suppress identification in a felonious assault case is affirmed, even though defendant challenged the admissibility of his former parole officer's identification of him from a surveillance video, arguing that the

procedure was unduly suggestive under *Neil v. Biggers*, 409 U.S. 188 (1972), and failed to comply under R.C. 2933.83; the appellate court held that *Biggers* and R.C. 2933.83 did not apply, since the parole officer was not an eyewitness and that the identification was admissible as lay opinion testimony under Evid.R. 701, as it was rationally based on witness's personal observations, and the court declined to address potential prejudice under Evid.R. 403 because that issue was not ruled on below.

Sentencing/Consecutive/Findings.

[State v. Fong | 2025-Ohio-1580 | 6th Appellate District | 05/02/2025](#) Imposition of consecutive sentences on defendant, R.C. 2929.14(C)(4), who entered pleas to practicing medicine without a license and to sexual imposition, is affirmed, on findings that (1) consecutive sentences were necessary to protect the public or to punish defendant, (2) doing so was not disproportionate to the seriousness of defendant's conduct, and (3) multiple offenses were part of conduct with such harm that no single term sufficed, referencing victims' vulnerable states; although defendant argued on appeal that the trial court failed to make requisite statutory findings and that the record did not support consecutive sentences, the majority rejected these claims, holding that, while the trial court did not recite statutory language verbatim, the record showed that it engaged in the required analysis.

Sentencing/Drug offense/Prison presumption. [State v. Scott | 2025-Ohio-1572 | 2nd Appellate District | 05/02/2025](#) Defendant's sentence imposed following his guilty pleas to aggravated possession of drugs, a third-degree felony, and improperly handling firearms in a motor vehicle, a fourth-degree felony, is affirmed since the drug offense carried a presumption in favor of a prison term, R.C. 2925.11(C)(1)(b), since defendant was found with the amount of drugs that exceeded the statutory bulk amount, and defendant's request for substance use treatment as an alternative to incarceration was to no avail where the trial court found that defendant failed to rebut the prison presumption under R.C. 2929.13(D)(2), citing defendant's prior unsuccessful participation in

community control, the seriousness of the offense, and his denial of having a substance abuse problem, despite significant drug possession; as well, the sentence was within the statutory range and not contrary to law under R.C. 2953.08(G).

Sentencing/Community control/Agreed recommendation/Breach of condition. [State v. Combs | 2025-Ohio-1569 | 2nd Appellate District | 05/02/2025](#) In defendant's conviction by guilty plea to strangulation and nine counts of intimidation of a crime victim or witness and imposition of a 30-month prison sentence, with the court of appeals holding that the state did not breach the plea agreement, containing an agreed recommendation of community control sanctions, by subsequently requesting the maximum sentence since defendant breached the agreement by violating a court order restricting jail communications by writing to his sister in an attempt to contact the victim, with the court of appeals holding that his misconduct constituted a material change in the agreement that relieved the state of its obligation to recommend community control.

Sentencing/Hybrid/Child support. [State v. Ramirez | 2025-Ohio-1542 | 8th Appellate District | 05/01/2025](#) In defendant's conviction by plea to attempted unlawful sexual conduct with a minor, a fifth-degree felony under R.C. 2923.02 and 2907.04(A), the conviction is affirmed, but a portion of defendant's sentence is remanded for modification where the trial court sentenced defendant to 11 months in prison and ordered him to make child support payments while incarcerated, the prison sentence was lawful under R.C. 2929.14(A)(5) and consistent with the sentencing purposes of R.C. 2929.11, but the trial court erred by ordering child support as part of a criminal sentence without statutory authority, violating the prohibition against hybrid sentences under R.C. 2929.13(B); the child support order was not part of the plea and was unilaterally imposed.

Self-defense/Weight of evidence. [State v. Nichols | 2025-Ohio-1515 | 1st Appellate District | 04/30/2025](#) In a bench conviction of misdemeanor assault, the trial court erred in rejecting defendant's self-defense claim based

on her role in a physical altercation at a restaurant by concluding defendant was "at fault" for re-entering the restaurant and becoming involved in the confrontation, with the court of appeals holding that the trial court's conclusion was against the weight of evidence because surveillance footage and defendant's testimony demonstrated defendant acted as a peacemaker by attempting to defuse tensions and intervene in an escalating situation, rather than provoking or instigating it, and pursuant to R.C. 2901.05(B)(1), the appellate court found defendant met her burden of production, and the state failed to disprove beyond a reasonable doubt that she was not at fault in creating the affray; conviction is reversed and defendant is discharged from further prosecution.

Sex offenses/Sentencing error/Limitations/Verdict. [State v. Perry | 2025-Ohio-1486 | 2nd Appellate District | 04/25/2025](#) In defendant's convictions of sex offenses, the trial court erred by sentencing defendant for the wrong offenses on two counts, transposing convictions for gross sexual imposition and disseminating harmful material, and based on R.C. 2901.13, five counts of disseminating matter harmful to juveniles were time-barred by the six-year statute of limitations and must be vacated, but eight counts of gross sexual imposition were not time-barred; there was no error in the trial court's decision to take the jury's verdict while defendant was absent due to a purported medical emergency.

Sentencing/Community control/Prison/Mandatory/Plea advisement. [State v. Groves | 2025-Ohio-1616 | 4th Appellate District | 04/25/2025](#) Defendant's conviction by plea and sentence are reversed and remanded for further proceedings after the appellate court found that both the sentence imposed and defendant's guilty plea were legally flawed, as defendant pleaded guilty to failing to notify a change of address under R.C. 2950.05(A), after which the trial court sentenced him to community control (when the offense actually required a mandatory three-year prison term under R.C. 2950.99(A)(2)(b) because of defendant's prior convictions); both the state and defendant acknowledged on appeal that the trial court erred in

imposing the sentence, but defendant cross-appealed, arguing that his plea was not knowingly, voluntarily and intelligently entered, as the trial court incorrectly advised defendant that community control was a sentencing possibility, Crim.R. 11(C).

Expungement/Eligibility/Discretion.

[N. Olmsted v. J.S. | 2025-Ohio-1460 | 8th Appellate District | 04/24/2025](#)

Denial of defendant's application for expungement is reversed and remanded for further proceedings, as defendant sought expungement of several misdemeanor convictions and one dismissed charge, and trial court denied that application, erroneously finding that defendant was not eligible (even though trial court initially stated that he was); reviewing de novo, appellate court held that (1) none of defendant's offenses were excluded under R.C. 2953.32(A)(1) and 2953.61, and (2) his application was timely under R.C. 2953.32(B), emphasizing that eligibility under that statute is a legal determination, not subject to trial court's discretion, so trial court's mistaken conclusion that defendant was ineligible rendered the remaining assignments moot, remanding the case for trial court to consider other factors for expungement.

Evidence/Forensic interview/Evid.R.

803(4). [State v. Griffin | 2025-Ohio-1459 | 8th Appellate District | 04/24/2025](#)

In a conviction of two counts of gross sexual imposition, R.C. 2907.05(A)(4), of defendant's nine year-old granddaughter, the admission at trial of the video of the child's forensic interview was not error because the interview was admissible pursuant to Evid.R. 803(4) since the interview was for purposes of assessing the safety of the child and of the potential need for making referrals for medical diagnosis and treatment, Arnold, and even if some of the child's statements were inadmissible under Evid.R. 803(4), any error that may have occurred was harmless because the statements were cumulative of the victim's testimony admitted at trial, Crim.R. 52(A), and no Confrontation Clause issue was involved because the victim testified at trial and was available for cross-examination, Crawford.

Sentencing/Allied offenses/Merger.

[State v. Angelen | 2025-Ohio-1453 | 8th Appellate District | 04/24/2025](#)

In an appeal of convictions of, inter alia, aggravated murder, R.C. 2903.01(A), three counts of murder, R.C. 2903.02(A) and (B), and two counts of aggravated robbery, R.C. 2903.11(A) (1) and (2), the court of appeals affirms the convictions but reverses in part and remands for resentencing due to errors in sentencing, holding that although the state presented sufficient evidence of prior calculation and design pursuant to R.C. 2903.01(A), based on surveillance footage, coordinated conduct, and use of firearms in an ambush-style attack, the trial court erred by failing to merge allied offenses of similar import, R.C. 2941.25, with the court of appeals holding that the three murder counts should have merged into the aggravated murder count and the two aggravated robbery counts should have merged with each other, Williams, and because imposing concurrent sentences is not a substitute for merger, the court of appeals remands for a new sentencing hearing and that the state may elect the offenses to pursue when merged.

Carrying concealed weapon/Age/Constitutional challenge/Record.

[State v. Robinson | 2025-Ohio-1431 | 6th Appellate District | 04/22/2025](#)

Denial of defendant's motion to dismiss charges for carrying a concealed weapon and improper handling of a firearm in a motor vehicle is reversed and remanded where 19 year-old defendant argued that R.C. 2923.111—which restricts permitless carry to those 21 and older—is unconstitutional as applied to him under the Second Amendment, but the trial court denied the motion without addressing the merits, invoking Ohio's constitutional avoidance doctrine, and the reviewing court held that the as-applied challenge was properly before the court under Crim.R. 12(C) and that the trial court erred by failing to make findings or conduct an evidentiary hearing, preventing meaningful review of defendant's constitutional claim, so the case is remanded for the trial court to conduct further proceedings, including findings on whether R.C. 2923.111 is unconstitutional as applied to defendant.

Burglary/Sufficiency of evidence/

Trespass. [State v. Goralczyk | 2025-Ohio-1408 | 3rd Appellate District | 04/21/2025](#)

In defendant's appeal of a conviction of second-degree burglary, R.C. 2911.12(A)(2), for unlawfully entering his girlfriend's home after breaking a door window, the court of appeals reverses, holding that the state failed to present sufficient evidence that defendant entered the premises with the intent to commit a criminal offense since the victim's testimony indicated she did not fear physical harm at the time; however, the evidence supported a conviction for felony trespass in a habitation, R.C. 2911.12(B), since defendant forced entry while the victim was present; remanded to the trial court to enter judgment and sentence for felony trespass in a habitation.

Strangulation/Separate charges/

Impeachment. [State v. Hendrix | 2025-Ohio-1433 | 5th Appellate District | 04/18/2025](#)

Defendant's convictions for strangulation, R.C. 2903.18(B) (3), and domestic violence, R.C. 2919.25(A), are affirmed as not being against the weight of the evidence, despite defendant's acquittal on a separate charge of strangulation, R.C. 2903.18(B)(2), which requires a showing of serious physical harm, where the two charges related to distinct incidents on consecutive days, and the jury could reasonably find physical harm in one instance without concluding there was serious physical harm in the other; as well, defendant's argument that the trial court erred by disallowing impeachment of the victim with a recent theft conviction is without merit since the conviction occurred after the incident, and defendant failed to preserve the objection at trial or argue plain error on appeal, and the trial court properly allowed domestic violence officer to testify about protocol and observations, including petechial markings, as the officer did not offer expert medical opinions.

Felonious assault/Vehicular

homicide/OVI/Plea/Sentencing.

[State v. Stewart | 2025-Ohio-1397 | 2nd Appellate District | 04/18/2025](#)

Defendant's convictions for felonious assault, vehicular assault, and OVI, arising from a serious crash in which multiple individuals were severely injured, are affirmed, with one exception, where there was no

Criminal (Continued)

reversible error in the trial court's Crim.R. 11 plea colloquy since defendant entered her plea knowingly, voluntarily, and with an understanding of the consequences, despite her claim that she was misled about the driver's license suspension duration, and the trial court's imposition of consecutive sentences, R.C. 2929.14(C) (4), was not error since the trial court made the necessary findings and the record—including evidence of defendant's drug use and prior offenses—supported the conclusion that consecutive terms were necessary to protect the public and punish the offender; however, the sentencing entry is remanded for correction by a nunc pro tunc order, as the entry erroneously stated a definite four-year sentence for felonious assault instead of the indefinite four-to-six-year sentence imposed at the hearing under the Reagan Tokes Act.

Suppression/Property forfeiture/Fine/Jail-time credit. [State v. Davis | 2025-Ohio-1392 | 2nd Appellate District | 04/18/2025](#) In a conviction by guilty plea to trafficking in cocaine, the court of appeals holds that the trial court did not err by denying defendant's motion to suppress since the motion was untimely filed under Crim.R. 12(D) where it was raised on the day set for trial; however, the court of appeals found error: (1) in the trial court's order authorizing disposal of defendant's property since it was vague and potentially improper without a forfeiture specification pursuant to R.C. 2941.1417 and 2981.04; (2) in the trial court's imposition of a \$15,000 fine was inconsistent with its prior finding of indigency and on remand the trial court is to re-evaluate the indigency issue pursuant to R.C. 2929.18(B)(1); and (3) the trial court also failed to determine the exact number of days of jail-time credit, R.C. 2929.19(B)(2)(g)(1); cause remanded.

Failure to comply with order/Obstructing official business/Parked vehicle. [State v. Williams | 2025-Ohio-1398 | 2nd Appellate District | 04/18/2025](#) Defendant's conviction for obstructing official business is affirmed, but his conviction for failure to comply with an order or signal of a police officer under R.C. 2921.331(A)

is reversed, where defendant was seen driving a vehicle with a female riding on the hood, and although he pulled over before police activated their cruiser lights, defendant fled on foot upon seeing the officers; R.C. 2921.331(A) applies only when the order relates to a person's operation of a motor vehicle, and because defendant had already parked before the police overhead lights were activated, and his subsequent flight occurred on foot, his conduct did not constitute failure to comply with a traffic-related police order as contemplated by the statute.

Sentencing/License suspension/Prior conviction. [State v. Orenich | 2025-Ohio-1367 | 8th Appellate District | 04/17/2025](#) Trial court's imposition of a class one lifetime driver's license suspension on defendant following his guilty plea to a second offense of failure to comply with a police officer's signal—involving a high-speed police chase—is affirmed, and defendant's argument that the suspension violated his constitutional rights because his prior conviction was neither alleged in the indictment, admitted by him, nor formally found by the trial court is without merit; appellate court rejected these arguments, (1) holding that a prior conviction used solely for sentencing enhancement, as here, need not be included in the indictment or proven to a jury, (2) because the prior offense did not elevate to the degree of the current charge, the lifetime suspension was appropriate, and (3) defendant was informed of the suspension during the plea hearing, and chose to proceed knowingly.

Insanity plea/Voluntary intoxication. [State v. Bernardo | 2025-Ohio-1399 | 5th Appellate District | 04/17/2025](#) Defendant's convictions for attempted murder and felonious assault following a bench trial in which defendant unsuccessfully asserted the affirmative defense of not guilty by reason of insanity under R.C. 2901.01(A)(14) are affirmed where two expert psychologists opined that, even though defendant likely did not understand the wrongfulness of his actions due to his psychotic symptoms, defendant's voluntary intoxication was a plausible cause of those symptoms; appellate court, applying the manifest weight standard, held that there was a rational basis to find defendant failed

to prove that a severe mental disease or defect, rather than voluntary intoxication, caused his condition, and evidence showing that defendant's psychotic symptoms resolved without treatment during pretrial detention, prevented him from meeting his burden of proof on that affirmative defense.

Relief from judgment/Fraud/Res judicata. [State v. Taylor | 2025-Ohio-1518 | 4th Appellate District | 04/15/2025](#) In defendant's conviction of multiple drug offenses, where defendant filed a motion for relief from judgment, Civ.R. 60(B)(5), arguing that the trial court committed a Brady/Giglio violation and that fraud invalidated the judgment, depriving the trial court of subject matter jurisdiction, denial of defendant's motion is affirmed where res judicata barred defendant's claims since the claims either were raised or could have been raised on direct appeal or in prior post-conviction proceedings, and defendant's arguments were of no avail since they related a different incident, with his convictions resulting from separate offenses committed on a different date.

Failure to comply/Identification/Officers' testimony. [State v. Jeffers | 2025-Ohio-1388 | 4th Appellate District | 04/15/2025](#) Defendant's conviction of failure to comply with an order or signal of a police officer under R.C. 2921.331, a third-degree felony, is affirmed on the basis of identification by police officers and circumstantial evidence, including the vehicle's registration to defendant's brother and its abandonment near defendant's residence, and defendant's argument that the jury's reliance on identification of defendant as the driver during a high-speed police pursuit was against the manifest weight of the evidence is without merit since the officers were both experienced and provided credible and consistent testimony that they positively identified defendant as the driver; as well, there was no legal requirement to use a photo array under R.C. 2933.83 when officers use their training and firsthand observations.

Post-conviction relief/Timeliness/Exception. [State v. Reese | 2025-Ohio-1441 | 7th Appellate District | 04/15/2025](#) In defendant's conviction of aggravated murder and aggravated robbery with firearm specifications, the trial court's denial of defendant's second petition for post-conviction relief is affirmed where defendant challenged the admission of a polygraph test at trial and alleged ineffective assistance of counsel for allowing him to undergo the test while mentally ill, but the petition was untimely under R.C. 2953.21(A)(2)(a), as it was filed nearly a decade after the filing of the trial transcript, defendant failed to meet the exception under R.C. 2953.23(A)(1), which requires that the petitioner was unavoidably prevented from discovering the facts supporting the claim and that but for constitutional error, the outcome would have been different; defendant had access to polygraph rules regarding admission of test results prior to his first petition, counsel could have obtained his medical records earlier, and these claims had already been litigated or could have been raised in earlier proceedings, and thus are barred by res judicata.

Right to counsel/Waiver/Misdemeanor offenses. [State v. Givens | 2025-Ohio-1438 | 7th Appellate District | 04/15/2025](#) In misdemeanor convictions arising from a property dispute, the trial court erred by accepting defendant's waiver of counsel and permitting him to proceed pro se after he expressed dissatisfaction with appointed counsel, Crim.R. 44(B) and 22, concerning waiver of counsel in petty offense cases, and the trial court also failed to conduct the required colloquy to ensure a knowing, intelligent, and voluntary waiver of counsel by failing to advise defendant of the nature of the charges, potential penalties, and the risks of self-representation, in light of competency concerns and indigency, Faretta and Gibson; convictions are affirmed, but the court of appeals vacates the sentence and remands the case for resentencing without the possibility of confinement or imposition of a suspended sentence, and any probation imposed cannot result in jail time if violated, Crim.R. 32.3.

Drug offenses/Aggravated funding of drug trafficking/Sufficiency of evidence. [State v. Thomas | 2025-Ohio-1321 | 3rd Appellate District | 04/14/2025](#) In convictions of multiple drug trafficking charges, the conviction of aggravated funding of drug trafficking, R.C. 2925.05(A)(5), was not supported by sufficient evidence since the state failed to prove that defendant provided money or items of value to another for the purpose of drug manufacturing or resale where the state proved that he only promised future payment, and also, the indictment omitted a required statutory element, rendering the conviction invalid and barring retrial, Gideon; also discussed, admission into evidence of uncharged drug-related text messages did not violate Evid.R. 404(B) since they were intrinsic to the charged offense of engaging in a pattern of corrupt activity, R.C. 2923.32, and thus not prohibited "other acts" evidence.

Plea/Withdrawal/Res judicata/Appeal. [State v. Jimenez-Zenquiz | 2025-Ohio-1440 | 7th Appellate District | 04/14/2025](#) Order granting defendant's post-sentence motion to withdraw his guilty plea to kidnapping, R.C. 2905.01(A)(2), and grand theft of a motor vehicle, R.C. 2913.02(A)(1), is reversed as being procedurally barred by res judicata because defendant raised no new evidence unavailable at the time of his plea, and he failed to pursue a direct appeal; as well, defendant's claim—that he unknowingly drove off with children in the van and intended to deliver them safely—was unsupported by evidence, contradicted prior statements, and was insufficient to establish manifest injustice under Crim.R. 32.1, and the trial court erred in granting the motion without first holding an evidentiary hearing, as required when a defendant alleges facts that, if true, would justify a plea withdrawal.

Domestic violence/Sentence/No-contact order. [State v. Chambers | 2025-Ohio-1320 | 12th Appellate District | 04/14/2025](#) A portion of defendant's sentence that imposed a five-year no-contact order between himself and his children (as a condition of community control following his domestic violence conviction) is reversed, even though defendant had pushed the children's mother, leaving her unconscious, in front of

her children; while the appellate court acknowledged the seriousness of defendant's actions and its authority to restrict contact, it found a five-year prohibition overly broad and not reasonably related to rehabilitation (as required by State v. Jones), further emphasizing that defendant's children were not victims, that defendant had not abused them, and that victim called defendant a "wonderful dad;" the case is remanded for resentencing.

Obstructing official business/Failure to comply. [State v. Wilkerson | 2025-Ohio-1279 | 2nd Appellate District | 04/11/2025](#) In a conviction of obstructing official business, R.C. 2921.31(A), and of failure to comply with a police order, R.C. 2921.331(B), the court of appeals found insufficient evidence to support the obstructing official business charge since defendant's actions, including fleeing into his aunt's residence after reckless driving, did not meet the requirement of substantially hampering officers in their duties, but the appellate court upheld the failure to comply conviction, determining that there was sufficient evidence, including aerial surveillance and defendant's admission, to prove he knowingly operated a vehicle to elude police, including high-speed reckless maneuvers and traffic violations, that created a significant risk of harm.

Sentencing/Consecutive sentences/Required findings. [State v. Smith | 2025-Ohio-1290 | 6th Appellate District | 04/11/2025](#) In a conviction by plea to murder and felonious assault, based on defendant's shooting of two persons during a drug transaction, resulting in the death of one victim and severe injuries to another victim, the court of appeals holds that the trial court made the required R.C. 2929.14(C)(4) findings for the imposition of consecutive sentences, emphasizing the gravity of the crimes and the necessity to protect the public and to punish the offender, and address the harm caused, with the court of appeals holding the record supported the trial court's finding that the sentences were not disproportionate to the seriousness of the offenses and the danger posed by defendant, emphasizing defendant's criminal lifestyle, his prohibited possession of a firearm while on a diversion program, and his

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exploitation of vulnerable victims, who were homeless and heavily addicted to drugs.

Protection order/Violation/Notification/Marsy's Law. [*State v. Trent* | 2025-Ohio-1278 | 2nd Appellate District | 04/11/2025](#) In defendant's conviction by plea to two counts of violating a protection order, the trial court erred in terminating defendant's community control sanctions without notifying the victim, in violation of Marsy's Law, R.C. Ch. 2930, where the victim had filed a Victims' Rights Request Form to exercise her right to notice and participation in public proceedings, and failure to notify victim violated her constitutional and statutory rights to notice, presence, and participation, especially given the conditions of no contact and compliance with protection orders.

Transfer/Amenability/Ineffective assistance/Competency. [*State v. F.S.* | 2025-Ohio-1251 | 8th Appellate District | 04/10/2025](#) Juvenile's convictions pursuant to plea in three cases that were transferred from juvenile to adult court are affirmed in part, vacated in part, and remanded as juvenile challenged the effectiveness of counsel and juvenile's court amenability determinations; appellate court held that juvenile's counsel was not ineffective in two cases as there were no indicia of incompetency at the time of the juvenile proceedings, and the record supported the juvenile court's findings that juvenile was not amenable to rehabilitation; however, in the third case, there was ineffective assistance of counsel because the juvenile court proceeded with an amenability hearing while juvenile was undergoing competency restoration in adult court, and defense counsel should have moved for a competency evaluation, so that case is remanded to evaluate juvenile's competency.

Plea/Validity/Crim.R. 11(C)(2)(c). [*State v. Phillips* | 2025-Ohio-1235 | 10th Appellate District | 04/08/2025](#) In a conviction by guilty plea to improperly handling firearms in a motor vehicle and carrying a concealed weapon, and imposition of, and subsequent violation of, intervention in lieu of conviction, court of appeals reverses, holding the

plea was invalid because trial court failed to strictly comply with Crim.R. 11(C)(2)(c), requiring a trial court to inform a defendant of the constitutional rights being waived, since trial court failed to inform defendant that by pleading guilty he was giving up the right to his constitutional right to compulsory process, and trial court's general reference to "the right to present any defenses" did not satisfy the specific requirement to inform a defendant of this constitutional right, and a written waiver could not cure the omission, Crim.R. 11(C)(2)(c); plea vacated, conviction reversed and case remanded for further proceedings.

Sentencing/Constitutional right to be heard. [*State v. Anderson* | 2025-Ohio-1226 | 5th Appellate District | 04/07/2025](#) Following defendant's guilty plea related to neglecting her impaired husband and endangering her children, the appellate court reversed the trial court's sentencing judgment and remanded the case for resentencing, holding that the court violated the constitutional right "to be heard" from several crime victims by only permitting two child victims named in the indictment to submit statements, not allowing other close family members to speak, and that these family members were "victims" either because they were directly and proximately harmed by defendant's conduct or were victims of dismissed charges under R.C. 2930.121., further ruling that "to be heard" includes the right to make an oral statement at sentencing.

Vehicle accident/Suppression/Miranda warning/Findings of fact. [*State v. Opheim* | 2025-Ohio-1211 | 9th Appellate District | 04/07/2025](#) Denial of defendant's motion to suppress statements made to police following a hit-skip incident is reversed where an officer used a license plate number from a dispatch to locate defendant's vehicle at his home and questioned him without first responding to the accident scene, the defendant moved to suppress statements made during the encounter, arguing a lack of Miranda warnings and probable cause for arrest, resulting in trial court's denial of defendant's motion, stating the questioning was not custodial, but the court failed to make the factual findings required for appellate

review; the Miranda-based portion of defendant's first assignment of error is remanded for factual findings and proper analysis, and the remaining issues, including defendant's challenge to the proportionality of the misdemeanor sentence under R.C. 2929.21 and Crim.R. 11, are premature pending resolution of the suppression issue.

Weapons offenses/Concealed weapon/Juvenile adjudication/Second Amendment. [*State v. Barber* | 2025-Ohio-1193 | 1st Appellate District | 04/04/2025](#) In an appeal of a conviction of, inter alia, 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), based on adult defendant's prior juvenile delinquency adjudication for a concealed carry violation, that the trial court held disqualified him from carrying a concealed weapon, the court of appeals reverses, holding that the statutes, as applied to defendant, violated the U.S. Constitution Second Amendment since his prior juvenile adjudication did not preclude him from being a "qualifying adult" under R.C. 2923.111, and thus he was not prohibited from carrying a concealed weapon or having one accessible in a vehicle, with the court of appeals holding that the state's justification, based solely on the non-violent juvenile adjudication, did not align with the historical rationale of restrictions of disarming individuals deemed dangerous and did not support an indefinite presumption of dangerousness, and thus the statutes were unconstitutional as applied, Bruen and Rahimi.

Weapon offenses/Having weapons while under indictment/Second Amendment. [*State v. Philpotts* | 2025-Ohio-1179 | 8th Appellate District | 04/03/2025](#) In an appeal by the state of the trial court's dismissal of a prosecution for having weapons under disability, R.C. 2923.13(A)(2), arising out of defendant's alleged possession of a firearm while under indictment for rape, the court of appeals affirms, holding that the portion of R.C. 2923.13(A)(2), prohibiting firearm possession by individuals under indictment for a felony offense of violence, is facially unconstitutional under the Second Amendment to the

U.S. Constitution in light of the U.S. Supreme Court opinions in *Bruen* and *Rahimi*, with the court of appeals finding that the Second Amendment's plain text covered defendant's conduct and that the state failed to show the statute was consistent with the nation's historical tradition of firearm regulation since a grand jury indictment does not constitute an individualized determination of danger.

Search/Motion to suppress. [State v. Ballein | 2025-Ohio-1240 | 4th Appellate District | 04/03/2025](#) In a prosecution for aggravated possession of drugs and aggravated trafficking, court of appeals holds that trial court erred in granting a motion to suppress evidence obtained in a search of defendant passenger during a traffic stop for speeding after the trooper received a report of a reckless, possibly impaired driver, and when the trooper asked the driver to exit the vehicle, the trooper observed drug paraphernalia in plain view, and a search revealed methamphetamine, with the driver and defendant charged with the drug offenses, and the court of appeals holding that the stop was not impermissibly extended and that the trooper's actions were lawful under the Fourth Amendment, with the court emphasizing that the brief duration of the stop, evasive responses of the occupants, the odd travel route, and behavior of both occupants created reasonable suspicion to extend the stop and perform a search; case remanded for further proceedings.

Felony murder/Improper discharge of a firearm into a habitation. [State v. Pettaway | 2025-Ohio-1181 | 8th Appellate District | 04/03/2025](#) In a conviction of felony murder, R.C. 2903.02(B), and five counts of improper discharge of a firearm into a habitation, R.C. 2923.161(A)(1), with firearm specifications, and the felony murder offense based on complicity, R.C. 2923.03(A) and (F), based on circumstantial evidence that defendant was a backseat passenger in a vehicle involved in a drive-by shooting that killed a man and targeted a home, with the court of appeals upholding the murder conviction and one improper discharge count as applied to the homeowner, finding the evidence legally sufficient and not against the weight of evidence, but the appellate court vacated the four remaining discharge counts, holding that multiple

counts could not be based solely on the number of occupants in a single residence; cause remanded for resentencing, and there was a dissenting judge who would have affirmed all five discharge counts.

Drug offenses/Traffic stop/Suppression. [State v. Lansing | 2025-Ohio-1241 | 4th Appellate District | 04/03/2025](#) In prosecution for drug offenses, the trial court's order granting defendant's motion to suppress on reasoning that the traffic stop was impermissibly extended is reversed where the stop's brief duration (less than three minutes) did not violate the Fourth Amendment, officers may ask drivers to exit a vehicle during a valid traffic stop and may make brief inquiries if they do not measurably extend the stop, and defendant's evasive answers and passenger's abnormal behavior provided reasonable, articulable suspicion, justifying further investigation; the case is remanded for further proceedings.

Sentencing/Community control/Revocation/Competency evaluation. [State v. Howard | 2025-Ohio-1220 | 4th Appellate District | 04/02/2025](#) Following defendant's conviction for aggravated assault pursuant to a plea where the trial court imposed a sentence of community control in exchange for defendant's abandonment of his not guilty by reason of insanity defense, the trial court's subsequent hearing on defendant's violation, revocation of community control, and imposition of prison term without a competency determination are reversed since defendant had a documented history of serious mental illness for which he timely requested a competency evaluation under R.C. 2945.37 prior to his revocation hearing, and defendants are entitled to a competency hearing in revocation proceedings when there is a "substantial basis" for suggesting incompetency.

Disability

ADA/Emotional distress/Pleading/Dismissal/Sanctions. [Friedman v. Bexley Pub. Library | 2025-Ohio-1799 | 10th Appellate District | 05/20/2025](#) In plaintiff's action against defendant-library, asserting claims under the Americans with Disabilities Act (ADA),

Ohio disability law, and for intentional infliction of emotional distress (IIED), alleging that he had been banned from the premises due to a disability, trial court's dismissal of the complaint, Civ.R. 12(B)(6), is affirmed where plaintiff failed to state a viable ADA or Ohio disability discrimination claim, and a temporary library ban, absent more specific facts, was not "extreme and outrageous" conduct sufficient to support an IIED claim; however, the trial court erred in granting defendant's motion for sanctions and attorney fees where the motion was granted without a hearing, as required by R.C. 2323.51(B), and there was no evidence establishing the actual amount of attorney fees or the reasonableness of the award.

Education

Student debt/Collection/Damages. [State v. Wallace | 2025-Ohio-2419 | 6th Appellate District | 07/08/2025](#) In collection action on an account placed with attorney general, for alleged unpaid student debt, including principal, interest, and collection costs, in which default judgment had been entered, trial court erred in granting only the principal amount, denying interest and collection costs without holding a hearing or offering an explanation, since R.C. 131.02 and 109.08 authorize the attorney general to assess and recover collection costs and statutory interest on certified accounts, and failure to respond constituted an admission of the allegations in the complaint, Civ.R. 55, and because no hearing on damages was held, the matter is remanded for the trial court to conduct a proper damages hearing.

Student loan/Repayment/Breach/Penalty/Damages. [United Assn. Local 168, Apprentice Educational Fund v. Robinson | 2025-Ohio-2421 | 4th Appellate District | 06/25/2025](#) In breach of contract action against defendant-student for failing to repay a student loan from plaintiff-union's apprentice education fund, summary judgment for defendant is affirmed in part and reversed in part where the appellate court agreed with the trial court that the repayment provision in the scholarship loan agreement (SLA)—requiring defendant to repay the entire loan if he left the union program and worked for a non-union employer—

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constituted an unenforceable penalty and was therefore invalid as liquidated damages; however, the appellate court held that plaintiff was still entitled to pursue actual damages for breach of contract and remanded for a hearing on those damages; as well, the appellate court reversed trial court's finding that plaintiff breached the agreement by failing to provide consistent employment, concluding that plaintiff had substantially performed its obligations, and the court also held that the SLA's restriction on working for non-union employers was not an unenforceable non-competition agreement because plaintiff was not defendant's employer and the clause functioned more like a conditional repayment term than a restraint on trade.

Administrators/Contracts/Suspension/Reinstatement/Mandamus. [State ex rel. Ruble v. Switzerland of Ohio Local School Dist. Bd. of Edn. | 2025-Ohio-1510 | Supreme Court of Ohio | 05/01/2025](#) Petition for a writ of mandamus filed by school administrators, whose contracts were suspended, seeking to compel the board of education to reinstate them to their former positions with back pay and benefits is denied where administrators' contracts were suspended under a facially valid policy enacted under R.C. 3319.171, and the statute does not mandate reinstatement or create an enforceable right through mandamus, so administrators' challenge to the validity of the board's contract suspension policy, arguing it failed to comply with R.C. 3319.171(B) because it lacked required provisions on the order of suspensions and the right of restoration, is without merit; as well, the administrators' motion for oral argument is denied on reasoning that the briefs were sufficient.

Compensation/Arbitration/Authority/CBA. [Martins Ferry City School Dist. Bd. of Edn. v. Martins Ferry Edn. Assn. | 2025-Ohio-1355 | 7th Appellate District | 04/15/2025](#) In teacher's grievance against school board alleging that she should have been credited with prior teaching service to place her salary at a proper level on salary schedule, resulting in arbitration award for

teacher and education association, trial court's order granting school board's motion to vacate the arbitration award and denying their application to confirm the award is reversed since the court erred in ruling that the arbitrator exceeded his authority when he interpreted a term in the parties' collective bargaining agreement (CBA) because the arbitrator had authority to interpret ambiguous term in the CBA, the parties bargained for arbitrator's interpretation under terms of the CBA, rather than the court's interpretation, and arbitrator's decision drew its essence from the CBA and did not conflict with its express terms.

Salary/Grievance/CBA/Mandamus. [State ex rel. Johnston v. N. Olmsted City School Dist. Bd. of Edn. | 2025-Ohio-1233 | Supreme Court of Ohio | 04/10/2025](#) In case in which school board initially offered teacher a salary based on 10 years of experience and then recalculated the offer based on six years, which the teacher accepted, teacher's petition for a writ of mandamus to compel the board to reclassify her on the salary schedule and award backpay was denied and school board's Civ.R. 12(C) motion for judgment on the pleadings is affirmed where teacher had an adequate remedy in the ordinary course of law through the grievance procedure provided in the applicable collective bargaining agreement (CBA), which included binding arbitration; teacher's argument that the grievance process was inadequate because it did not provide for backpay is without merit where the court reasoned that teacher could have filed a grievance as early as her first paycheck, and where a CBA governs terms of employment—including salary—employees must utilize the CBA's procedures, R.C. 4117.10(A).

Elections and Campaign Finance

Candidate/Residency requirement/Interpretation. [State ex rel. Elmore v. Franklin Cty. Bd. of Elections | 2025-Ohio-2585 | Supreme Court of Ohio | 07/23/2025](#) Relators' petition for a writ of prohibition to prevent county board of elections from placing candidate's name on upcoming ballot for city council is granted since city's charter requires ward candidates to have resided in their respective wards for the two years

immediately preceding the election, and the court rejects candidate's argument that any two-year period prior to the election suffices, with the court reasoning that traditional rules of statutory interpretation apply and that the lead opinion in *State ex rel. Rocco*, 2017-Ohio-4466, which had interpreted "next preceding" as distinct from "immediately preceding" did not apply in the instant case, where the court instead referenced dictionary definitions and statutory examples indicating that both terms are synonymous; as well, the court concluded that the residency requirement applies equally to ward and at-large council candidates.

Recall/Municipality/Statutory procedure. [State ex rel. Maumee v. Lucas Cty. Bd. of Elections | 2025-Ohio-2516 | Supreme Court of Ohio | 07/17/2025](#) Relators' petition for a writ of prohibition to prevent county board of elections from placing recall questions regarding city's mayor and six city council members on upcoming special primary ballot is granted on reasoning that the board erred in applying R.C. 705.92—the statutory recall procedure for municipal officers—because the city, a charter municipality under Ohio Const. Art. XVIII, Sec. 8, had not adopted R.C. 705.92 pursuant to R.C. 705.03 and 705.91, reaffirming the court's precedent which established that R.C. 705.92 is not generally applicable and applies only when adopted under the statutory plan process, with the result that the board acted in clear disregard of the law in denying relators' protests of the recall petitions; petition for a writ of mandamus is denied as moot.

Environmental and Natural Resources

Permit to install/Appeal/Standing/Timeliness. [Neighbors Opposing Pit Expansion, Inc. v. Stevenson | 2025-Ohio-2237 | 10th Appellate District | 06/26/2025](#) Environmental Review Appeals Commission's (ERAC) decision affirming the issuance of a permit-to-install (PTI) for closure of a coal ash pond is reversed where the neighborhood group—asserting that pond closure could cause possible environmental risk—lacked standing under R.C. 3745.04 because it failed to express opposition to the permit during proceedings before the EPA director, a prerequisite for standing,

and group's appeal to ERAC was untimely under R.C. 3745.07 because it was filed more than 30 days after issuance of the PTI; as well, group's argument that it could not have filed earlier due to lack of notice or access is without merit since group bore the burden to file a timely appeal, so the case was remanded ERAC for dismissal based on lack of jurisdiction.

Lease/Royalty payments/Arbitration/ Forum selection. [Denham v. Encino Energy, L.L.C. | 2025-Ohio-1585 | 7th Appellate District | 05/02/2025](#)

In plaintiff's action against energy company alleging, inter alia, breach of an oil and gas lease for improperly deducting post-production expenses from royalty payments, trial court erred in denying defendants' motion to stay proceedings pending arbitration where the arbitration clause within the body of the lease and the forum selection clause in the attached addendum could be read together without conflict, as both provisions were part of the same integrated agreement; the forum selection clause—stating that disputes would be heard in courts in a specific county—did not “explicitly or forcefully exclude arbitration,” and thus did not override the lease's mandatory arbitration clause.

Mineral interest/Statutory unitization/ Standing. [Eric Petroleum Corp. v. Vendel | 2025-Ohio-1238 | 10th Appellate District | 04/08/2025](#) In plaintiff-gas company's administrative appeal of approval of government entities' application for statutory unitization of properties—consolidating the mineral or leasehold interests in oil and gas underlying multiple tracts of land above a common reservoir with the goal of protecting property rights and preventing waste—into a production unit for mineral extraction, the trial court erred in finding that plaintiff had standing to appeal the order since plaintiff failed to demonstrate that the order harmed its interests to warrant standing under R.C. 1509.36 where the interest presented was a hypothetical and contingent future interest, which was too speculative to challenge the order.

Mineral interests/Abandonment/ Intervenor's complaint/Service. [Menges v. Strunk | 2025-Ohio-1301 | 7th Appellate District | 04/08/2025](#) In plaintiffs/intervenors-surface

owners' quiet title action, alleging that defendants had abandoned oil and gas rights under the Ohio Dormant Mineral Act, where trial court ruled in favor of plaintiffs, reversed by court of appeals on reasoning that plaintiffs failed to properly serve defendants with the intervenors' complaints, Civ.R. 5(A), plaintiffs' application for reconsideration, App.R. 26(A)(1), is denied, since plaintiffs' arguments that the “law of the case” doctrine or harmless error applied are without merit where plaintiffs asserted new claims for relief and additional damages without proper service, so no civil action was commenced as to those claims, and the trial court lacked jurisdiction to adjudicate them.

Brine water/Cleanup/Contract/ Individual liability. [State ex rel. Yost v. D&L Ferguson, L.L.C. | 2025-Ohio-1307 | 7th Appellate District | 04/07/2025](#) In plaintiff-state's action against owners of property, alleging unlawful storage of brine water from oil field drilling activities at abandoned water recycling facility, where owners filed a third-party complaint against defendants-individual and LLC buyer of all assets on property constituting the water treatment system, who agreed to complete waste water cleanup, the trial court did not err in finding individual defendant personally liable for reimbursement of cleanup costs under the terms of the purchase agreement where individual defendant signed the purchase agreement before his business existed, and because the business did not yet exist, individual defendant could not take advantage of the corporate veil.

Estate Planning, Trust and Probate

Guardianship/Expanded authority/ Notice and hearing. [In re Guardianship of Barrett | 2025-Ohio-2660 | 5th Appellate District | 07/29/2025](#) Judgment appointing attorney as guardian of both the person and estate of ward without notice or a hearing is reversed, even though attorney had previously been appointed guardian of the person under R.C. 2111.13(A), since attorney's subsequent motion sought expanded authority over ward's estate—triggering distinct duties under R.C. 2111.14 and requiring procedural safeguards—and the appellate court held that the probate court violated R.C. 2111.02(C) and 2111.04(A) by

failing to conduct a hearing and provide proper notice to the ward and his mother before modifying the guardianship.

Guardian ad litem/Fees/Hearing/ Analysis. [Marinakakis v. Marinakis | 2025-Ohio-2554 | 12th Appellate District | 07/21/2025](#) In plaintiff-widow and her children's action against defendants-decedent's siblings, alleging entitlement to share of estate, where trial court identified a potential conflict between the interests of the children and their mother and appointed a guardian ad litem (GAL) for the children, followed by defendants' objection when GAL submitted an invoice for payment from the estate, trial court erred in ordering payment of GAL fees without a hearing where, although GAL's appointment and fee arrangement were initially uncontested, defendants requested a hearing, and there was no evidence that the court engaged in analysis of the services rendered by GAL or in evaluation of the scope and necessity of services provided.

Pretermitted heirs/Will language/ Provision by settlement. [Marinakakis v. Marinakis | 2025-Ohio-2555 | 12th Appellate District | 07/21/2025](#) In plaintiff-widow and children's action against defendants-decedent's siblings, alleging that decedent's children were pretermitted heirs entitled to inherit under R.C. 2107.34(A), summary judgment in favor of plaintiffs on reasoning that the children were pretermitted heirs is reversed where decedent's will contained no language expressing intent to disinherit children, and the question remains whether decedent's substantial non-testamentary transfers to children qualified as a provision by settlement pursuant to R.C. 2107.34(A) to provide for children's future care, thereby disqualifying them from taking under the statute as pretermitted heirs.

Will contest/Discovery/Estate planning file/In camera review. [In re Hasenfratz | 2025-Ohio-2372 | 6th Appellate District | 07/03/2025](#) In action by decedent's husband, who was disinherited in wife's second will in favor of wife's brother, to set aside wife's will, asserting claims of incompetency, undue influence, breach of fiduciary duty, and civil conversion, and seeking imposition

Estate Planning, Trust and Probate (Continued)

of a constructive trust, trial court's order compelling disclosure of the decedent's entire estate planning file without first conducting an evidentiary hearing or in-camera review is reversed where the court erred in denying brother's motion to quash subpoenas issued to the attorneys who prepared the will and finding that the attorney-client privilege was waived under R.C. 2317.02(A)(1)(b), based on surviving husband's consent, so the case is remanded for the trial court to assess whether any materials are privileged or protected work product.

Insurance beneficiary/Fraud/ Summary judgment. [Long v. Hutchinson | 2025-Ohio-1520 | 6th Appellate District | 04/29/2025](#) In plaintiff-ex-wife's action against defendant-successor trustee of former husband's estate under the Uniform Fraudulent Transfer Act, alleging fraudulent conveyance of the beneficiary designation of life insurance policy, summary judgment in favor of defendant is reversed where questions remain whether decedent made the trust the beneficiary of the life insurance policy that he was obligated to maintain for plaintiff's benefit and whether decedent had actual fraudulent intent to defraud plaintiff by changing the beneficiary of the policy, R.C. 1336.04(B); as well, plaintiff's complaint was filed within one year after the transfer was or reasonably should have been discovered in compliance with the statute of limitations, R.C. 1336.09(A).

Beneficiary identification/ Interpretation/Extrinsic evidence. [In re Estate of Devine v. Monroe Soc. for the Prevention of Cruelty to Animals | 2025-Ohio-1523 | 6th Appellate District | 04/29/2025](#) In estate's action seeking a declaration as to the correct identity of the beneficiary of a charitable bequest, the trial court erred in finding that appellee-society was the beneficiary where any ambiguity in the language of the instrument was latent and not patent because the ambiguity was only revealed by extrinsic facts and did not appear on the face of the document, extrinsic evidence was not admissible to determine decedent's intent, but only to assist court in

interpreting her intention, and the trial court improperly disregarded the will's specific language and capitalization, construing a general charitable intent, so the case is remanded for the probate court to construe the will's language narrowly to determine the correct beneficiary.

Account assets/Decedent's existing obligation. [Thevenin v. Day-Air Credit Union, Inc. | 2025-Ohio-1488 | 2nd Appellate District | 04/25/2025](#) In plaintiff-estate administrator's action against defendant-credit union, alleging that it had wrongfully possessed estate assets by withdrawing funds from decedent's checking account and placing an unauthorized hold on the account, judgment in favor of plaintiff is reversed where defendant had perfected a security interest and the right of setoff based on decedent's existing obligation consisting of a credit card account balance, R.C. 1733.25(E), and defendant's right to setoff was not terminated when the funds were deposited into the estate account because mutuality existed between defendant and the estate account.

Family Law and Domestic Relations

Divorce/Dates/Property division. [Cochran v. Cochran | 2025-Ohio-2565 | 4th Appellate District | 07/21/2025](#) In divorce action in which wife challenged the final divorce decree, the trial court erred in failing to specify the dates used to determine the length of the marriage where valuation of the marital property required identification of the date of termination of the marriage, R.C. 3105.171(G), and review of the characterization and distribution of property may not be done without specific dates or specific evidence relied upon in making determinations.

Property division/Double accounting/ Interest in business. [K.L.B. v. M.T.B. | 2025-Ohio-2445 | 8th Appellate District | 07/10/2025](#) In divorce action, trial court erred in valuing husband's business assets where the court equally divided proceeds from the sale of one of his properties that had already been deposited into a retirement account, and husband had no ownership interest in a medical practice that trial court included in its

calculation, so these valuations led to a double counting of marital assets, which the appellate court deemed inequitable under R.C. 3105.171, and the appellate court held that the trial court erred by failing to consider new evidence—an agreement showing a buyout of husband's interest in another medical practice—that became available after trial but before final judgment; under Civ.R. 53(D)(4) (d), the trial court had discretion to hear such evidence while objections were pending, but the appellate court rejected husband's remaining claims regarding the classification of other assets as marital property and overruled wife's cross-appeal, finding no abuse of discretion in the spousal support award, denial of attorney fees, or refusal to require security via life insurance or interest.

Child support/Presumption/Sole custodian. [Gamble v. Gamble | 2025-Ohio-2381 | 12th Appellate District | 07/07/2025](#) In divorce action in which mother was designated the sole legal custodian and residential parent, the trial court erred in ordering mother to pay monthly child support to father where there is a clear presumption under R.C. 3119.07(A) that mother's child-support obligation was spent on child, and parents did not have split parental rights and responsibilities or a shared parenting plan to make mother the child support obligor.

Child support/Age of majority/School attendance. [Bittner v. Bittner | 2025-Ohio-2333 | 10th Appellate District | 07/01/2025](#) In legal separation action, trial court erred in extending father's child support obligation for child who had reached the age of majority where the duty to support child beyond the age of 18 years-old required that child continuously attend a recognized and accredited high school on a full-time basis pursuant to R.C. 3119.86(A), and uncontroverted evidence established that child was not required to, and did not, attend school beyond his eighteenth birthday.

Dissolution/Spousal support/Decree/ Separation agreement. [C.B. v. B.B. | 2025-Ohio-2219 | 8th Appellate District | 06/26/2025](#) In marriage dissolution action, denial of husband's motion to terminate spousal support is reversed where ambiguity between the jointly-executed dissolution

decree and the incorporated the parties' jointly-executed separation agreement existed because the decree listed additional qualifying events for termination of support, and the language in the decree did not automatically supersede the language in the separation agreement, so the question remains regarding the intent of the parties at the time they jointly executed the dissolution decree and whether the added terms were inadvertent or mutually agreed upon, and the case is remanded for an evidentiary hearing.

Spousal support/Retirement/Contribution to expenses. [Lakes v. Lakes | 2025-Ohio-2187 | 12th Appellate District | 06/23/2025](#) In divorce action in which husband sought modification of his spousal support obligation, the trial court did not err in overruling the magistrate's decision to reduce the amount of spousal support, which was based on the expectation of retirement—a change in circumstances—where husband continued in employment for years after the divorce, which enabled him to continue to contribute to retirement, wife was unable to continue to work due to health issues and lack of a professional career, and husband's new spouse contributed to their joint expenses, while wife's expenses exceeded her income, and the amount of spousal support was appropriate and reasonable under R.C. 3105.18.

Decree/Final order/Agreed decree. [McPherson v. McPherson | 2025-Ohio-2064 | 7th Appellate District | 06/10/2025](#) In divorce action involving an agreed divorce decree and spousal support arrangement, in which the court issued a subsequent decree, the original decree is affirmed and the subsequent decree is remanded with instructions to vacate it as being duplicative, and husband's argument that the original decree was not final or appealable due to the absence of a formal magistrate's decision under Civ.R. 53(D) is without merit since the uncontested nature of the hearing and the agreed entry signed by both parties and the court satisfied finality requirements; as well, the spousal support terms were not imposed unilaterally by the court but agreed to by both parties, husband's post-decree claims of overreaching lacked merit,

and husband's failure to challenge the original final decree via appeal or a Civ.R. 60(B) motion bars his attempt to relitigate the divorce terms.

Child support/Disabled/Adult. [Brown v. Brown | 2025-Ohio-1998 | 10th Appellate District | 06/05/2025](#) In a divorce action involving the care of a disabled adult child in which trial court ruled that it lacked jurisdiction to award child support because the child was older than 18 at the time of the divorce, reasoning that former R.C. 3119.86 required a child support order to be in place before the child turned 18, trial court's judgment is reversed since *Castle v. Castle*, 15 Ohio St.3d 279 (1984), and the plain language of R.C. 3119.86 authorize child support for disabled children whose disability arose before age 18, even if no support order existed prior to the age of majority; R.C. 3105.011, 3109.04, and 3109.05 confer jurisdiction on domestic relations courts to issue such orders, and recent statutory amendments (R.C. 3119.86, 3109.20, 3119.11) further clarified this authority, so the case is remanded.

Adoption/Consent/Support/Tax refunds. [In re Adoption of S.N.W. | 2025-Ohio-1994 | 9th Appellate District | 06/04/2025](#) In custodians' petition for adoption of children, trial court erred in finding that mother's consent was not required where the burden is explicitly placed on the custodians, R.C. 3107.07(A), to demonstrate that mother had failed to make requisite payments of child support, and the question remains whether mother's seized income tax refunds, which were applied to the children's accounts, constituted sufficient child support to retain the right to consent to adoption.

Property division/Findings/Custody/School placement. [Dimitrievska v. Dimitrievski | 2025-Ohio-1937 | 10th Appellate District | 05/29/2025](#) In divorce action, trial court erred in its property division where an assigned value of the parties' marital residence was not included in the divorce decree, retirement accounts were not designated as separate or marital property and were not assigned a value, and the trial court did not adequately consider factors set forth in R.C. 3105.171(F) or make findings to support the determination that marital property had been equitably divided,

R.C. 3105.171(G); as well, the trial court erred by designating wife as the sole residential parent and legal custodian but also designating husband as the residential parent for school placement purposes should wife move out of the school district—impermissibly dividing wife's custodial rights as the custodial parent.

Adoption/Right to counsel. [In re Adoption of A.K.H. | 2025-Ohio-1922 | 5th Appellate District | 05/27/2025](#) In petition for adoption of children, trial court erred in finding that mother's consent was not required where indigent mother was entitled to counsel in adoption proceedings under *Matter of Adoption of Y.E.F.*, 2020-Ohio-6785, mother unambiguously requested assistance of counsel before the hearing was scheduled to begin, the record did not reflect that trial court considered whether mother had waived her right to counsel, and notice informing mother that she had the right to counsel was not sufficient to constitute a voluntary waiver of her right.

Child support/Unemployment/Imputed income. [Ayers v. Ayers | 2025-Ohio-1848 | 6th Appellate District | 05/23/2025](#) In divorce action child support dispute, trial court's order imputing income to husband is affirmed where, on remand, the court was required to expressly determine whether husband's unemployment was voluntary under R.C. 3119.01(C) (17) before imputing income, and the record reflected that husband's continued unemployment—despite working with an employment coach—was voluntary because he failed to submit job applications, send resumes, or contact potential employers after he was laid off from previous employment, and the court imputed income consistent with husband's prior earnings; as well, husband waived any objection to the inclusion of a bonus in both the property division and child support calculation by not raising it in the earlier appeal.

Custody/Interstate transfer/Hearing. [Bartrug v. Bartrug | 2025-Ohio-1775 | 7th Appellate District | 05/19/2025](#) In divorce action in which father sought transfer of custody matter to the state where he currently resides—after mother had passed away and intervenor-maternal aunt

was seeking custody—the Ohio trial court erred in denying father’s motion to transfer jurisdiction without holding an evidentiary hearing since father and children were residing in another state and therefore the trial court did not have exclusive jurisdiction over custody unless a person acting as a parent lived in Ohio, R.C. 3127.01(B), and the hearing was required to determine if children’s maternal aunt was acting as a parent and if a court in the other state would exercise jurisdiction under the Uniform Child Custody Act.

Civil protection order/Dismissal/Full hearing/Pleading. [C.R. v. Headley | 2025-Ohio-1745 | 10th Appellate District | 05/15/2025](#) Denial of petition for a domestic violence civil protection order (CPO) is reversed, and the case is remanded, where trial court had dismissed the petition after prematurely cutting off petitioner’s testimony, declining to allow a second witness, and concluding, without a full hearing, that her allegations were too old and facially deficient, and the appellate court held that the dismissal violated R.C. 3113.31(D)(2)(a), which requires a “full hearing” where both parties are given a meaningful opportunity to present evidence and arguments; as well, the petition, which alleged kidnapping, physical assault, and threats of death, clearly stated a valid claim under R.C. 3113.31(A)(1)(a) and satisfied the statutory pleading requirements in R.C. 3113.31(C).

Child support/Income level/Correct standard. [Kitzberger v. Kitzberger | 2025-Ohio-1721 | 1st Appellate District | 05/14/2025](#) In divorce action, the trial court erred in reducing mother’s child support obligation to zero where the case-specific amount of child support was required because the parties’ combined income was greater than the R.C. 3119.021 maximum, the order based on R.C. 3119.231 and equal parenting time between the parties applied the incorrect legal standard, and there was no indication that an analysis of the correct standard was conducted pursuant to R.C. 3119.04.

Marital residence/Separate property/Co-mingling funds. [Patrick v. Patrick | 2025-Ohio-1709 | 11th Appellate District | 05/12/2025](#) In divorce action, the trial court erred in treating the home as marital property despite it being traceable as wife’s separate property and in failing to restore wife’s former name, as requested, where wife owned the home prior to marriage, refinancing home during marriage and co-mingling funds into marital estate to pay off the debt did not alter its character as separate property under R.C. 3105.171, and wife’s former name should have been restored pursuant to R.C. 3105.16 because she requested the change.

Property division/Vehicles/Custody. [Edelstein v. Edelstein | 2025-Ohio-1514 | 1st Appellate District | 04/30/2025](#) In divorce action, trial court’s division of the parties’ vehicles is reversed since the court’s orders were conflicting with regard to vehicle ownership where evidence showed that wife’s vehicle was jointly owned with husband and that wife was the principal borrower on the loan for husband’s vehicle, so remand is required to determine the proper division of vehicles; however, trial court’s award of sole custody of the parties’ minor child to father is affirmed where the decision was supported by competent, credible evidence and a thorough analysis under R.C. 3109.04(F)(1) and (F)(2), including concerns about mother’s emotional influence on the child and violations of visitation orders, and a Civ.R. 75(N)(2) hearing is warranted on remand to review wife’s child visitation status.

Civil protection order/Pattern of conduct. [S.M. v. T.G. | 2025-Ohio-1448 | 8th Appellate District | 04/24/2025](#) Issuance of a three-year civil stalking protection order against respondent is reversed for lack of sufficient evidence that respondent engaged in a “pattern of conduct” or acted “knowingly” as required under R.C. 2903.211(A)(1) since there were only two incidents recorded on video, one allegedly showing respondent engaged in obscene conduct while facing petitioner’s home, and the other in which respondent appeared to make a vague gesture, which lacked clarity and evidentiary support, especially given the dark and blurry video footage; the court also held

that petitioner failed to establish that respondent knowingly caused her to believe he would cause physical harm or mental distress, and there was no prior negative history between the parties or indication that respondent was aware he was being observed.

Property division/Factors/Continuance. [Evans v. Evans | 2025-Ohio-1470 | 10th Appellate District | 04/24/2025](#) In divorce action, trial court’s judgment is reversed and the case is remanded where the court failed to make findings to ensure that property division was equitable where, although specific findings were made regarding spousal support under R.C. 3105.18(C)(1), findings were not made regarding similar factors set forth in R.C. 3105.171(F) concerning division of property, and analysis of spousal support must also be revisited on remand because it may be affected by redistribution of property; however, the trial court did not err in denying wife’s motion for a continuance since, *inter alia*, the case had been pending for nearly two years and wife failed for three months to inform the court of her counsel’s withdrawal and any efforts she had made to obtain new counsel.

Divorce/State jurisdiction/Residency requirement/Mandamus. [State ex rel. Tentman v. Sundermann | 2025-Ohio-1284 | Supreme Court of Ohio | 04/16/2025](#) Dismissal, Civ.R. 12(B)(6), of husband’s petition for a writ of mandamus to compel judge to exercise jurisdiction over his Ohio divorce and child-custody case, to vacate another state’s court’s judgments, and to declare those judgments void for lack of jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), R.C. 3127.01 et seq. is affirmed since husband had an adequate remedy at law by way of appeal—which he had already pursued and lost—and even a discretionary or unsuccessful appeal constitutes an adequate legal remedy that bars mandamus; in this case, two months before husband filed his Ohio complaint for divorce and custody, wife had filed for divorce and custody in another state in which mother and child had resided for two days less than the six-month residency period required to establish home-state jurisdiction under the UCCJEA, and the Ohio trial court ruled that the other

state's court's exercise of jurisdiction—despite the two-day deficit—was in substantial conformity with the UCCJEA.

Civil protection order/Dismissal/Reinstatement. [White v. Epps | 2025-Ohio-1344 | 1st Appellate District | 04/16/2025](#) Trial court's issuance of civil stalking protection orders to petitioners after the magistrate had originally dismissed their petitions for failure to prosecute is affirmed where respondent's argument that the trial court improperly sustained petitioners' objections to the dismissal is without merit since there was no abuse of discretion under Civ.R. 41(B)(1), which permits dismissal for failure to prosecute only after proper notice and at the court's discretion, petitioners had missed the original hearing due to a medical emergency requiring hospitalization, and petitioners promptly filed objections to the dismissal, respondent did not contest petitioners' explanations, petitioners' absence was excusable, and the court remanded the case to the magistrate for a full hearing, after which the court issued the protection orders.

Divorce/Property division/Appellate review. [Williams v. Williams | 2025-Ohio-1319 | 12th Appellate District | 04/14/2025](#) In divorce action, trial court's finding that outstanding debt resulting from husband's sister's cash advances, including one to preserve the parties' real estate portfolio, were husband's separate liability is reversed because the instant court is unable to conduct meaningful review where R.C. 3105.171(G) requires the trial court to "make written findings of fact that support the determination that the marital property has been equitably divided," but the trial court failed to comply, so the case is remanded to the trial court.

Health Care

Contract/Breach/Insurance/Billing procedure. [Mapleview Operating Co. v. Valletto | 2025-Ohio-1898 | 11th Appellate District | 05/27/2025](#) In plaintiff-rehabilitation services provider's breach of contract action against defendant-recipient of plaintiff's services for failure to pay for services, judgment in favor of plaintiff is reversed where the parties' contract required plaintiff to submit a request

for preauthorization to defendant's insurer and to bill defendant's insurer for services rendered before defendant was required to pay for the services, and because plaintiff failed to perform its obligations under the parties' contract, defendant was excused from performance.

Insurance

Expert witness/Death/Substitution. [Berry v. Mullet | 2025-Ohio-2346 | 5th Appellate District | 07/01/2025](#) In negligence action by plaintiffs-insureds, injured in traffic accident caused by defendant-driver, also naming as defendants union welfare fund and plaintiffs' out-of-state insurer, trial court erred in denying plaintiffs' motion to substitute their expert medical witness where plaintiffs notified the court of the death of their original expert when they became aware of it, they immediately made arrangements for a new medical expert and requested substitution in timely manner, and there was no evidence of plaintiffs' bad faith or prejudice to insurance company, Civ.R. 16(B)(4), 26(B)(7).

Underinsured motorist/Personal injury protection/Limitations/Coordination of benefits. [Berry v. Mullet | 2025-Ohio-2345 | 5th Appellate District | 07/01/2025](#) In negligence action by plaintiffs-insureds, injured in traffic accident caused by defendant-driver, also naming as defendants union welfare fund and plaintiffs' out-of-state insurer, claiming underinsured motorist benefits and related claims, trial court's order granting partial summary judgment to defendant-insurer is reversed on reasoning that trial court treated the claims as tort claims governed by limitations statutes, including other state's PIP limitations statute and Ohio's borrowing statute, R.C. 2305.03, where the claims were actually insurance policy-based contract claims with longer statute of limitations; as well, defendant-union welfare fund's claim for reimbursement of funds paid to plaintiffs related to their underinsured motorist benefits arose from a contract right of reimbursement under the union's health plan's coordination of benefits provision, not from a tort, so it was not subject to the borrowing statute or other state's PIP limitations period, and

trial court's order granting summary judgment against the union on that ground is reversed.

Juvenile

Custody/Visitation/Supervision/Best interest. [Sturkie v. Auxier | 2025-Ohio-2399 | 11th Appellate District | 07/07/2025](#) In custody dispute in which father was designated the custodial parent of children and mother had regular visitation, the trial court erred in rescinding a prior order that mother's visits were to be supervised where the judgment entry did not mention the best-interest analysis under R.C. 3109.051 or indicate that the court had considered the best-interest factors, as required, and there was no conclusion that rescinding the prior order requiring supervised visitation was in children's best interest.

Custody/ICPC/Timing/Temporary custody limit. [In re T.S. | 2025-Ohio-2140 | 9th Appellate District | 06/18/2025](#) Award of permanent custody of abused (endangered), neglected, and dependent children to agency is reversed where the trial court erred in granting permanent custody without awaiting results of an Interstate Compact for the Placement of Children (ICPC) home study for potential placement with the mother or her aunts in another state, and although the children were removed due to domestic violence, unsanitary conditions, and neglect, the mother later demonstrated consistent sobriety, compliance with the case plan, stable housing, and a strong familial bond with the children; while the trial court believed it lacked authority to delay ruling past the statutory two-year limit on temporary custody under R.C. 2151.415(D)(4), the appellate court held that R.C. 2151.353(G) allowed temporary custody to continue while the permanent custody motion was pending.

Custody/Service/Certified mail. [In re I.M. | 2025-Ohio-2154 | 8th Appellate District | 06/18/2025](#) Award of permanent custody of child to agency is reversed since agency's motion to modify temporary custody to permanent custody was not properly served upon mother pursuant to Civ.R. 4.1, where for the first of two attempts to send certified mail, the magistrate

determined that the signature on the receipt did not match mother's signature, and the signature on the second receipt was the same as on the first receipt; as well, evidence shows that mother was at work during the time of delivery of the second certified mail and that no one else resided with her who could have signed for the document.

Child support/Conference/Attendance/Relief from judgment/Excusable neglect. [In re C.W. | 2025-Ohio-1931 | 8th Appellate District | 05/29/2025](#) In an action in which father sought determination of custody of child and child support, with the result that mother's motion for child support was dismissed for failure to prosecute, as mother and her attorney did not attend the final attorney conference scheduled by the court, the trial court erred in denying mother's Civ.R. 60(B) motion for relief from judgment without a hearing where mother's motion was timely and she had a meritorious defense, neither she nor counsel received notice of the final attorney conference date or court's decision dismissing her motion, her attorneys appeared for every conference and hearing except the one in question, and because mother provided sufficient evidence of excusable neglect, she is entitled to an evidentiary hearing.

Custody. [In re C.H. | 2025-Ohio-1838 | 8th Appellate District | 05/22/2025](#) Award of permanent custody of abused and dependent child to agency is reversed where father moved for legal custody, magistrate issued a decision recommending granting permanent custody to agency, and father timely filed objections along with a request for a transcript, resulting in trial court's premature adoption of magistrate's decision without waiting for father to submit transcript to allow independent review, as required by Juv.R. 40(D).

Child support/Adoptive parents/Legal custodians. [In re J.M. | 2025-Ohio-1564 | 5th Appellate District | 04/30/2025](#) In child support dispute involving a child who was adjudicated delinquent and resides with legal custodians, trial court's order requiring adoptive parents to pay child support

and to direct Title IV-E adoption assistance payments to child's legal custodians, R.C. 5101.141 and Ohio Adm. Code 5101:2-44-3(A), is affirmed where, under R.C. 3119.07(C) and 3103.03, adoptive parents retain a statutory duty to support their child, even after legal custody is transferred to third parties; as well, only the parents' income—not the custodians' income—is relevant under R.C. 3119.02, and the custodians can take advantage of tax dependency exemption since the child is residing with them.

Dependency/Appeal/Remand/Dismissal. [In re O.V. | 2025-Ohio-1436 | 9th Appellate District | 04/23/2025](#) In case in which trial court's adjudication of child as dependent, R.C. 2151.04(C), and order of continued agency temporary custody was appealed by parents and reversed and remanded by the instant court, the trial court erred on remand in dismissing the action without prejudice where the trial court's dismissal order did not refer to the reversal on appeal or offer any reason why the trial court dismissed the case, and the parents were not given prior notice or an opportunity to be heard prior to dismissal.

Delinquency/Traffic offenses/Disposition/Cruel and unusual punishment. [In re K.J. | 2025-Ohio-1424 | 10th Appellate District | 04/22/2025](#) Trial court's judgment ordering juvenile to pay restitution for damages resulting from his adjudicated traffic offenses and reckless operations, is affirmed, although juvenile challenged the constitutionality of R.C. 2152.203, arguing that said statute violates constitutional provisions against cruel and unusual punishment because it does not consider the juvenile's age or ability to pay; the appellate court reject this as-applied challenge, finding that restitution is primarily compensatory, rather than punitive, and does not rise to the level of "harshest penalties" triggering Eighth Amendment scrutiny, additionally holding that only juveniles adjudicated delinquent may be held liable under said statutes, and there was no evidence the other occupants had been adjudicated.

Custody/Hearing/New evidence. [In re S.T. | 2025-Ohio-1379 | 6th Appellate District | 04/17/2025](#) Denial of mother's motion for legal custody

of her dependent child, who had been placed with a non-parent caregiver under a prior legal custody order, is reversed where the trial court erred in denying the mother's request for an additional hearing to introduce new evidence of extended unsupervised visitation with the child that arose after the magistrate's hearing but before the final judgment, Juv.R. 40(D)(4)(d), the trial court is required to allow such evidence if it could not have been produced with reasonable diligence earlier, and the court clarified that R.C. 2151.42(B) governs post-disposition custody modifications involving non-parents after a dependency adjudication; because a hearing on the updated circumstances was necessary to evaluate the child's best interest properly, the court remanded the case for further proceedings.

Delinquency/Rape/Confrontation/Medical diagnosis and treatment/Excited utterance. [In re C.B. | 2025-Ohio-1361 | 5th Appellate District | 04/16/2025](#) In juvenile court's adjudication of juvenile as delinquent for acts that would constitute adult rape, R.C. 2907.02(A)(1)(b), and imposition of a serious youthful offender disposition and Tier III sex offender classification, the court of appeals rejected the juvenile's Confrontation Clause challenge to the admission of statements made by the incompetent minor victim to a forensic interviewer, holding that the victim's statements were non-testimonial and admissible because they were made for the primary purpose of medical diagnosis and treatment, Arnold, as well as the admission of similar statements made by the victim to her parents pursuant to the Evid.R. 803(2) excited utterance exception, in light of the victim's young age, spontaneous disclosure, and emotional state, Taylor, and the jury did not lose its way in resolving conflicting testimony about the juvenile's access to the child.

Bindover/Probable cause/Sufficiency of evidence/Amenability. [In re T.P. | 2025-Ohio-1258 | 8th Appellate District | 04/10/2025](#) In discretionary juvenile bindover proceeding, the trial court's decision declining to find probable cause for several charges, namely aggravated robbery, robbery, and grand theft, in connection with a shooting, is reversed where the

state presented sufficient credible evidence that juvenile knowingly retained control of a firearm after consent was revoked and participated in a physical altercation and flight from the scene, so probable cause existed for aggravated robbery and robbery under R.C. 2911.01 and 2911.02, including through a complicity theory per R.C. 2152.17(B)(1); also, the case is remanded for an amenability hearing on all charges.

Delinquency/Transfer/Amenability/Rehabilitation/Dissent. [*In re D.W.* | 2025-Ohio-1255 | 8th Appellate District | 04/10/2025](#) In adjudication of child as delinquent for multiple robbery-related charges, trial court's denial of the state's motion for discretionary transfer of the case to the general division of common pleas court for the purpose of criminal prosecution, R.C. 2152.10(B), is affirmed where the juvenile court held an amenability hearing, including testimony from doctor who had conducted a psychological evaluation of child, R.C. 2152.12 and Juv.R. 30, and the court found that there was sufficient time to rehabilitate the child in the juvenile system, the child had not previously been committed to the department of youth services, and the child demonstrated ability to change behavior, while police officer's testimony was not necessary because the parties stipulated to police reports; there is a dissenting opinion.

Custody/Legal/Medically fragile child. [*In re M.S.* | 2025-Ohio-1194 | 1st Appellate District | 04/04/2025](#) Award of legal custody of child to his adult half-sister, as being in child's best interest, R.C. 2151.414(D) and 3109.04(F)(1), is affirmed where evidence showed that child is medically fragile and was born to drug-addicted parents, but child had thrived in the stable, nurturing care of adult half-sister for more than two years, and although evidence showed that father had made progress on his case plan—including sobriety and addressing legal issues—the court noted lingering concerns about his judgment, lack of childcare planning, residual issues from substance abuse, and past domestic violence; courts' legal custody decisions are guided by the child's best interest and not solely by the parent's progress in case plans, and adult half-sister provided a safe, stable, supportive home, and she

maintained consistent communication with agencies.

Delinquency/Extortion/Endangering children. [*In re K.C.* | 2025-Ohio-1203 | 2nd Appellate District | 04/04/2025](#) Adjudication of juvenile as a delinquent child based on acts that would constitute extortion under R.C. 2905.11(A)(5) and endangering children under R.C. 2919.22(B)(5), if committed by an adult, is affirmed on the basis of sufficient evidence showing that juvenile had coerced a peer into sending a compromising photo by threatening to disseminate embarrassing videos of her unless she complied, and juvenile's argument that R.C. 2919.22(B)(5) applies only to adults or those in caretaker roles is without merit since the statute's broad use of the term "person" includes juveniles and does not require a caretaking relationship, reflected in the General Assembly's deliberate distinction in the statute between subsection (A) relating to "custodial or caretaking role" and (B) "any person."

Dependency/Custody/Temporary. [*In re A.G.* | 2025-Ohio-1228 | 5th Appellate District | 04/03/2025](#) Adjudication of seven children as dependent, R.C. 2151.04(C), and award of temporary custody to agency is affirmed on the basis of sufficient and credible evidence that the children's home environment—marked by untreated health issues, severe behavior problems, and mother's failure to complete a voluntary case plan—warranted state intervention where five school-age children had extensive disciplinary records, and a few delinquency adjudications, but their conduct improved while in agency placements, and regarding the two youngest children, there was evidence of medical neglect and the likelihood that they would follow the same development path without intervention; as well, the appellate court upheld trial court's evidentiary rulings under Evid.R. 803(6) and 803(8), finding no manifest miscarriage of justice in weighing evidence, and the claim that the court relied on improper testimony during adjudication is without merit.

Labor and Employment

Unemployment compensation/System data breach/Class action/Standing. [*Jessica v. Ohio Dept. of Job & Family Servs.* | 2025-Ohio-2604 | 10th Appellate District | 07/24/2025](#) In plaintiff's class action lawsuit against defendant-state department, asserting negligence, invasion of privacy and claims related to data breach in unemployment compensation system, which compromised personal information, trial court erred in granting defendant's Civ.R. 12(B)(6) motion to dismiss, alleging lack of standing where plaintiff had standing because the imminent risk of fraud or identity theft was a concrete injury, the breach was a targeted attack, with some high-risk data having already been misused, and plaintiff's mitigation efforts, emotional distress, and future monitoring costs were cognizable harms that were redressable by damages.

Overtime pay/Restricted duty/Arbitration/CBA. [*Fraternal Order of Police v. Dayton* | 2025-Ohio-2539 | 2nd Appellate District | 07/18/2025](#) In plaintiff-police union's action against defendant-city, seeking overtime pay for officer on restricted duty who was unable to work hours equal to those available to him while on street duty, resulting in arbitration award for plaintiff, trial court's order confirming the arbitration award is reversed where arbitrator exceeded his authority by looking outside the collective bargaining agreement (CBA), R.C. 2711.10(D), after finding no violation of the CBA and by considering a police general order, which allowed compensation for lost overtime hours not worked while an officer was on administrative leave; however, the officer in this case had not been placed on administrative leave but rather restricted duty.

Discrimination/Arbitration/Loser-pays provision. [*Grimm v. Professional Dental Alliance, L.L.C.* | 2025-Ohio-2185 | 11th Appellate District | 06/23/2025](#) In dentist's action against employer, alleging that she was unlawfully discriminated against her based on age, in violation of R.C. 4112.02, and employer moved to compel arbitration and to stay proceedings pursuant to the terms of the parties' professional services

Labor and Employment (Continued)

agreement, where magistrate decided in favor of employer and overruled her objections, the trial court erred in finding that the loser-pays provision in the arbitration clause was enforceable where, although the provision was not procedurally unconscionable because it permitted, but did not require, recovery of attorney fees that would not otherwise be recoverable, the loser-pays provision violated public policy under R.C. 4112.02 because allowance of fees under that provision results in a chilling effect on an employee who has faced discrimination.

Employment termination/Collective bargaining agreement/Arbitration/Jurisdiction. [Ohio Council 8, AFSCME, AFL-CIO v. Lakewood](#) | [2025-Ohio-2052](#) | [Supreme Court of Ohio](#) | [06/12/2025](#) In union's application and motion to compel arbitration under R.C. 2711.03 in the common pleas court to challenge city employee-union member's employment termination where union alleged that city violated the parties' collective bargaining agreement (CBA) by refusing to arbitrate employee's grievance following termination, despite a last-chance agreement (LCA), the court of common pleas properly denied city's motion to dismiss, which argued that the State Employment Relations Board (SERB) had exclusive jurisdiction, since SERB has exclusive jurisdiction only when a party alleges an unfair labor practice under R.C. 4117.11, either through charges filed with SERB or in a complaint in court, but because the union's claim was for breach of the CBA and did not allege conduct constituting an unfair labor practice, SERB lacked exclusive jurisdiction, the right to enforce arbitration in this case arose from the CBA, not R.C. Ch. 4117, and the union could bring the action in the common pleas court.

Procedure

Trade secrets/Misappropriation/Jurisdiction/Out-of-state party. [Midwest Motor Supply Co., Inc. v. MRO Systems, L.L.C.](#) | [2025-Ohio-2411](#) | [10th Appellate District](#) | [07/08/2025](#) In plaintiff's action asserting that out-of-state defendant misappropriated trade secrets and used them to solicit at least four Ohio customers after hiring

eight of plaintiff's former employees, the trial court's Civ.R. 12(B)(2) dismissal, without an evidentiary hearing, for lack of personal jurisdiction is reversed since plaintiff established a prima facie showing of personal jurisdiction under R.C. 2307.382(A)(3) and (6), and the exercise of jurisdiction met the requirements of due process where defendant's alleged conduct—hiring from an Ohio company and using confidential information to target its Ohio customers—constituted purposeful availment and caused injury in Ohio, plaintiff's claims arose from these Ohio-related contacts, the exercise of jurisdiction would be reasonable under the due process framework outlined in *Burger King Corp. v. Rudzewicz*, 471 U.S. 462 (1985), and because no evidentiary hearing was held, the dismissal was premature, and the case is remanded for further proceedings.

Court policy/Restricted access to records/Court clerk's duties. [State ex rel. Parikh v. Berkowitz](#) | [2025-Ohio-2117](#) | [Supreme Court of Ohio](#) | [06/18/2025](#) After the clerk of courts had implemented a policy removing online access to residential eviction case records over three years old, and the judges disapproved and ordered clerk to rescind the policy via an administrative order, prompting clerk to file a petition for a writ of prohibition and judges' counterclaim for a writ of mandamus, the court of appeals' order granting judges' writ of mandamus is affirmed on reasoning that under R.C. 1901.31(E), the clerk has a clear legal duty to perform duties prescribed by the judges, including compliance with administrative orders affecting public access to court records; decisions about restricting access to judicial records fall within the court's discretion under Sup.R. 45 and Loc.R. 9.16 and are not subject to unilateral policy changes by the clerk, the judges did not patently lack jurisdiction to enforce compliance via contempt proceedings, and the clerk had an adequate remedy by appeal, defeating his request for a writ of prohibition.

Appeal/Issue not appealed/Party-presentation. [Snyder v. Old World Classics, L.L.C.](#) | [2025-Ohio-1875](#) | [Supreme Court of Ohio](#) | [05/28/2025](#) In dispute between homeowners and construction contractor in which trial court, without a hearing,

granted contractor's motion to stay proceedings and ordered arbitration pursuant to the parties' agreement, prompting homeowners to appeal and assert that the arbitration provision was void for fraudulent inducement, the court of appeals erred in reversing trial court's judgment on reasoning that the court failed to hold a hearing on contractor's motion—an issue that neither party raised on appeal—so the court of appeals violated the party-presentation principle by reversing the trial court's decision on grounds not raised by the parties; the case is remanded to the court of appeals to address the homeowners' actual argument, thus rendering moot the certified conflict issue whether R.C. 2711.03 requires a trial court to hold an oral hearing on a motion to compel arbitration.

Administrative remedies/Dismissal/Summary judgment. [Wos v. Cleveland](#) | [2025-Ohio-1456](#) | [8th Appellate District](#) | [04/24/2025](#) In taxpayers' class action against city seeking a declaration they were entitled to interest on income tax refunds pursuant to city ordinance and challenging taxation on vacation pay, the trial court erred in granting city's Civ.R. 12(B)(6) motion to dismiss on reasoning that taxpayers failed to exhaust administrative remedies where dismissal was premature because the trial court improperly relied on matters outside the complaint—specifically, an affidavit from a city official—without converting the motion to dismiss to a motion for summary judgment, Civ.R. 56, or without excluding the extraneous material; exhaustion of administrative remedies is an affirmative defense that cannot be resolved solely on the pleadings if disputed.

Professional Responsibility

Suspension. [In re Greulich](#) | [2025-Ohio-2548](#) | [Supreme Court of Ohio](#) | [07/21/2025](#) Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Suspension. [In re Chinn](#) | [2025-Ohio-2436](#) | [Supreme Court of Ohio](#) | [07/10/2025](#) Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Suspension/Dissent. [Disciplinary Counsel v. Hunter | 2025-Ohio-2406 | Supreme Court of Ohio | 07/09/2025](#) Attorney is suspended from the practice of law for two years, with the last six months stayed on conditions; there is a dissenting opinion.

Application/Practice of law/Dissent. [In re Application of Notestine | 2025-Ohio-2415 | Supreme Court of Ohio | 07/07/2025](#) Applicant qualifies for admission to the practice of law and is permitted to sit for the bar exam, provided that all other application requirements, including but not limited to the requirements of Gov.Bar R. I(3) (E), have been satisfied; there are dissenting opinions.

Suspension. [Disciplinary Counsel v. Hawley | 2025-Ohio-2265 | Supreme Court of Ohio | 06/30/2025](#) Attorney is indefinitely suspended from the practice of law, with reinstatement on conditions.

Reinstatement. [Columbus Bar Assn. v. Bryant | 2025-Ohio-2194 | Supreme Court of Ohio | 06/24/2025](#) Attorney is reinstated to the practice of law.

Reinstatement. [Disciplinary Counsel v. Brown-O'Neal | 2025-Ohio-2176 | Supreme Court of Ohio | 06/23/2025](#) Attorney is reinstated to the practice of law.

Suspension. [In re Hummel | 2025-Ohio-2136 | Supreme Court of Ohio | 06/18/2025](#) Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Suspension. [Disciplinary Counsel v. Wilson | 2025-Ohio-1919 | Supreme Court of Ohio | 05/29/2025](#) Attorney is issued an interim default suspension, with reinstatement on conditions.

Reprimand/Reinstatement. [Columbus Bar Assn. v. Bryant | 2025-Ohio-1879 | Supreme Court of Ohio | 05/29/2025](#) Attorney is issued a public reprimand, with interim remedial suspension terminated, and permission is granted to apply for reinstatement to the practice of law, with conditions after reinstatement.

Suspension. [Disciplinary Counsel v. Black | 2025-Ohio-1790 | Supreme Court of Ohio | 05/22/2025](#) Attorney is suspended from the practice of law for two years, with six months stayed on conditions.

Resignation. [In re Resignation of Sirvaitis | 2025-Ohio-1770 | Supreme Court of Ohio | 05/19/2025](#) Attorney resigned from the practice of law with disciplinary action pending.

Suspension. [Dayton Bar Assn. v. Daly | 2025-Ohio-1624 | Supreme Court of Ohio | 05/08/2025](#) Attorney is suspended from the practice of law for 18 months, stayed on conditions; there is a dissenting opinion.

Suspension. [In re Butler | 2025-Ohio-1686 | Supreme Court of Ohio | 05/08/2025](#) Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Suspension. [Toledo Bar Assn. v. Exton | 2025-Ohio-1631 | Supreme Court of Ohio | 05/06/2025](#) Attorney is issued an interim remedial suspension from the practice of law, with reinstatement on conditions.

Suspension. [In re Snider | 2025-Ohio-1477 | Supreme Court of Ohio | 04/25/2025](#) Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Suspension. [Disciplinary Counsel v. Dusing | 2025-Ohio-1334 | Supreme Court of Ohio | 04/16/2025](#) Attorney is suspended from the practice of law for three years, with reinstatement contingent upon reinstatement to the practice of law in other state that had suspended attorney.

Resignation. [In re Resignation of Green | 2025-Ohio-1208 | Supreme Court of Ohio | 04/07/2025](#) Attorney resigned from the practice of law, with disciplinary action pending.

Public and Public Finance

Disposal of vehicle/Notice/Immunity/Pleading. [Glick Mgt., L.L.C. v. Cincinnati | 2025-Ohio-2572 | 1st Appellate District | 07/23/2025](#) In vehicle dealer's action against city, claiming that city violated R.C. 4513.611 and 4513.61 by failing to provide

dealer with notice before city seized and disposed of vehicle on which dealer held a lien, as well as claiming conversion and unjust enrichment, trial court erred in dismissing the complaint on the basis of city's governmental immunity defense where, although city was entitled to presumptive immunity in its disposal of the vehicle and immunity barred one of dealer's claims, there was still a question whether the immunity defense applied to dealer's remaining three claims, which likely depended on what authority the city exercised when it towed the vehicle—a question not resolved by the face of dealer's complaint.

Public records/Dismissal/Exhibits/Affidavit. [State ex rel. Owens v. Gifford | 2025-Ohio-2544 | Supreme Court of Ohio | 07/22/2025](#) In public records requester's petition for a writ of mandamus to compel respondent to provide access to requested records and for statutory damages, dismissal of the petition on reasoning that requester failed to attach directly to his complaint three cited exhibits is reversed since requester did submit the exhibits the same day via an affidavit, making them part of the record, and respondent conceded that the exhibits were submitted; where respondent's motion to dismiss included other unresolved arguments—such as alleged defects in affidavits required under R.C. 2969.25(A) (civil action filing history) and 2969.25(C) (inmate account balance statement)—the case is remanded for the court of appeals to consider those issues.

Public records/Existence/Evidence/School board. [State ex rel. Ames v. Big Walnut Local School Dist. Bd. of Edn. | 2025-Ohio-2493 | Supreme Court of Ohio | 07/17/2025](#) After school board meeting which student representative attended, and relator-public records requester inferred that the student was permitted to be present during an executive session, prompting relator to make public records requests for copies of six categories of documents, including nondisclosure agreements and confidentiality-related documents, which the board denied, relator's subsequent petition for a writ of mandamus to compel the board to provide the documents is denied since relator failed to prove by clear and convincing evidence

that the requested records existed; relator's claim for statutory damages under R.C. 149.43(C)(2) was rejected because he only alleged a violation of R.C. 149.43(B)(1), not establishing that the board failed to comply with any statutory obligation, and relator's claims for court costs and attorney fees were also denied, noting that relator, as a pro se litigant, was ineligible for attorney fee awards.

Public office/Replacement/Quo warranto/Dissent. [State ex rel. Shabazz v. Morgan | 2025-Ohio-2603 | 8th Appellate District | 07/17/2025](#) Relator-city council president's petition for a writ of quo warranto, seeking to remove respondent from position of interim mayor after respondent was appointed to the position by court-appointed probate court judge, R.C. 3.16(E)(4), is granted where prior mayor was removed pursuant to R.C. 3.16 and R.C. 2961.01(A) following conviction for theft in office, and city charter—adopted under Ohio Const. Art. XVIII Home Rule Provision—provides that council president automatically becomes mayor following removal of prior mayor, and the charter required removal of respondent despite judge's valid order appointing her interim mayor, R.C. 2733.01; there is a dissenting opinion.

Tobacco products/Regulation/Home rule/General law. [Columbus v. State | 2025-Ohio-2408 | 10th Appellate District | 07/08/2025](#) Trial court's judgment declaring R.C. 9.681—the statute purported to pre-empt all local regulation of tobacco and alternative nicotine products, including bans on flavored tobacco products enacted by municipalities—unconstitutional under Ohio Const. Art. XVIII, Sec. 3 (the Home Rule Amendment), is affirmed since R.C. 9.681 failed to qualify as a "general law" because it neither set forth police, sanitary, or similar regulations, nor prescribed a rule of conduct upon citizens generally, but instead simply sought to limit municipal legislative authority—contrary to constitutional home rule protections, so the permanent injunction against enforcement of R.C. 9.681 is upheld; the state's argument that the statute should be construed in pari materia with Ohio's broader tobacco control

scheme was without merit since the statute is unambiguous.

Federal pandemic program/Reinstatement. [State ex rel. Bowling v. DeWine | 2025-Ohio-2313 | 10th Appellate District | 06/30/2025](#) In relators-citizens' action for declaratory judgment, injunctive relief and related claims to stop governor from prematurely terminating the Federal Pandemic Unemployment Compensation (FPUC) benefits available to unemployed state residents, trial court's order granting partial summary judgment to relators and ordering governor to reinstate the state's participation in the FPUC program is affirmed, and governor's arguments that the case was mooted by the U.S. Supreme Court's prior dismissal and by the program's expiration are without merit where meaningful relief remained possible; R.C. 4141.43(I) imposed a statutory duty on governor to cooperate with the federal government to secure "all advantages available" under programs such as the FPUC, and new evidence—including a 2024 declaration from the U.S. Department of Labor—stated that rescission of the early termination would allow retroactive benefits to be paid, so the case is remanded for execution of the judgment.

Public records/Existence/Damages/Dissent. [State ex rel. Macksyn v. Spencer | 2025-Ohio-2116 | Supreme Court of Ohio | 06/18/2025](#) In relator-public records requester's petition for a writ of mandamus to compel respondent-state department to produce records of certain emails, the court grants a limited writ directing department employees to respond to relator's public records requests for emails, R.C. 149.43(B)(1), since public offices must provide requested records within a reasonable time, and respondents failed to produce or deny the existence of emails requested on certain dates within 21 days so respondents are to either produce the requested emails and certify their production dates or certify that no responsive records exist; relator's requests for kites, grievances, and video footage are denied, as he failed to show those were not already provided or appropriately denied under Ohio Adm. Code 5120-9-19(B)(3)

and R.C. 149.43(A)(1)(h), and the court deferred ruling on statutory damages, R.C. 149.43(C)(2); there is a dissenting opinion.

Public records/Emails/Status as public records/Damages. [State ex rel. Platt v. Montgomery Cty. Bd. of Elections | 2025-Ohio-2079 | Supreme Court of Ohio | 06/17/2025](#) Relator-public records requester's petition for a writ of mandamus is granted to compel respondent-county board of elections to produce an email from the county prosecutor's office to the board transmitting a legal memorandum and to produce the deputy director's email forwarding it from his board email to his personal email since the emails were public records not protected by attorney-client privilege because they contained no legal advice or client confidences, but the writ is denied for the email sent from the deputy director's personal account to a third party since it was not a public record, as it was not maintained by the board, and the court rejected requester's claim that the board failed to organize or maintain its records properly; as well, the court awarded requester \$1,000 in statutory damages, court costs under R.C. 149.43(C)(3)(a)(i), and reasonable attorney fees under R.C. 149.43(C)(3)(b), pending submission of an itemized application.

Public records/Mootness/Delay/Prejudgment interest. [State ex rel. Fenstermaker v. Phillips | 2025-Ohio-2081 | Supreme Court of Ohio | 06/17/2025](#) Relator-public records requester's petition for a writ of mandamus to compel respondent-prosecutor to produce copies of records-retention schedule of prosecutor's office is denied as moot since the records were produced, but damages are awarded to relator where respondent provided the requested records, but the records were not delivered within a reasonable period, R.C. 149.43(B), and respondent did not provide an adequate justification for delay, so relator was entitled to maximum award of statutory damages under R.C. 149.43(C)(2) because the records were produced more than 10 days after the action was filed; relator's request for prejudgment interest is denied on reasoning that public records actions are not tort-based civil actions under R.C. 1343.03(C)(1)(a).

Public records/Clarity/Exemption.

[Law Office of Josh Brown, L.L.C. v. Ohio Secy. of State | 2025-Ohio-2130 | 10th Appellate District | 06/17/2025](#)

In public records requester-attorney's action under R.C. 2743.75 to compel production of emails from respondent-Secretary of State's office, the trial court's order requiring disclosure is affirmed where the request sought emails from named employees over an eight-month period containing a single keyword, so the request met the clarity requirement of R.C. 149.43(B) (1), requester did prove the overly broad exemption, R.C. 149.43(B)(2), and agency's argument that its email system limitations excused compliance was meritless.

Anti-Greenmail/Standing. [Corpus Christi Firefighters' Retirement Sys. v. Macellum Capital Mgt., L.P. | 2025-Ohio-1895 | 10th Appellate District | 05/27/2025](#)

In retirement system's action against investor group, alleging that the group amassed a stake in company before publicly criticizing the board of directors and advocating for various changes in corporate policy and leadership, in violation of R.C. 1707.043, referred to as the anti-greenmail statute, summary judgment in favor of investor group is reversed where, although the question of system's standing was expressly raised and briefed by both parties, the court declined to address the issue and instead focused on the merits of claim, and failure to first determine the question of standing requires reversal, Civ.R. 23.1.

Traffic citations/Unjust enrichment/Immunity/Pleading. [Koz v. Newburgh Hts. | 2025-Ohio-1555 | 8th Appellate District | 05/01/2025](#)

In driver's unjust enrichment action on behalf of a putative class of similarly situated individuals, alleging that village improperly issued traffic citations that were contrary to law and seeking return of the monies retained by village, trial court's denial of village's governmental immunity-based motion for judgment on the pleadings is affirmed where factual allegations in village's answer were not required to be deemed true for purposes of Civ.R. 12(C) and must be supported with evidence, and village did not timely preserve political subdivision immunity as an affirmative defense because it failed to assert immunity in its answer

to driver's second amended complaint or pre-answer motion.

Public Utilities**Application for rates/Alternative rates/Rehearing application/Tolling orders/Appeal/Timeliness. [In re Application of Duke Energy Ohio, Inc. | 2025-Ohio-2082 | Supreme Court of Ohio | 06/17/2025](#)**

After the Public Utilities Commission of Ohio (PUCO) granted energy company's combined application to increase natural gas distribution rates and to approve an alternative-rate plan, and the Office of the Ohio Consumers' Counsel (OCC) filed three applications for rehearing and then a notice of appeal, energy company's motion to dismiss the appeal is denied where its arguments that the OCC failed to timely appeal the denial by PUCO of OCC's application for rehearing, R.C. 4903.11, or that OCC's last application for rehearing was still pending, are without merit, as PUCO journalized an entry acknowledging the denial of the last application for rehearing by operation of law and closing the case, which constituted an "entry upon the journal" of a denial under the statute, and because the OCC filed its notice of appeal within 60 days of that journalized denial, the appeal was timely; the court explained that PUCO's former practice of issuing "tolling orders" to delay rehearing rulings was invalidated by *In re Application of Moraine Wind, L.L.C.*, 2024-Ohio-3224, but the court declined to decide whether Moraine Wind applied retroactively and instead based its ruling on the plain text of R.C. 4903.11, confirming that jurisdiction was properly invoked.

Solar farm/Certificate/Environment/Public need/Dissent. [In re Application of Harvey Solar I, L.L.C. | 2025-Ohio-1503 | Supreme Court of Ohio | 04/30/2025](#)

Ohio Power Siting Board's decision to grant applicant-solar farm a certificate of environmental compatibility and public need under R.C. 4906.10 for the construction of a solar-powered electric-generation facility is affirmed where the court found that the Board reasonably addressed concerns about visual impact, flooding, wildlife, nighttime noise, water quality, and glare, and also upheld the Board's ability to impose conditional approvals and

defer technical enforcement to local or state agencies, and the Board's findings rendered citizens' group's argument meritless that the Board acted unlawfully or unreasonably under R.C. 4903.13 by failing to properly determine four statutory requirements—probable environmental impact, minimum adverse environmental impact, compliance with water pollution laws, and public interest; there is a dissenting opinion.

Negligence/Pleading/Personal property/Limitations. [E. Ohio Gas Co. v. Strahler | 2025-Ohio-1285 | 4th Appellate District | 04/03/2025](#)

In plaintiff-public utility's negligence action against defendant-property owner, alleging that plaintiff is a public utility and that defendant negligently struck and damaged a natural gas line, resulting in damages, trial court's Civ.R. 12(B)(6) dismissal on reasoning that plaintiff failed to specifically allege that it owned the damaged gas line, is reversed since, although plaintiff did not explicitly establish a direct connection with the company mentioned in the complaint, the general allegations that plaintiff sustained an injury as a result of defendant's negligence asserts sufficient specific facts to support plaintiff's claim; as well, the claim is not barred by the two-year statute of limitations for damage to personal property, R.C. 2305.10(A), since the pipeline does meet the criteria for personal property under *Teaff v. Hewitt* or for a business fixture under R.C. 5701.03(B).

Real Property**Foreclosure/Dismissal/Sua sponte vacation. [Eagle Ridge Subdivision Property Owners Assn., Inc. v. Slodov | 2025-Ohio-2569 | 11th Appellate District | 07/21/2025](#)**

In plaintiff-homeowners association's foreclosure action against defendants-homeowners, seeking payment of monthly assessments and late fees after plaintiff filed a certificate of lien on the real property owned by defendants, where the trial court initially dismissed the complaint in a final, adjudicative order, the trial court erred in sua sponte vacating its order without a proper motion under Civ.R. 60(B), and although Civ.R. 60(A) allows for correction of clerical mistakes, the trial court did more than merely correct

Real Property (Continued)

a mistake by sua sponte vacating its final order, and Civ.R. 60(B) relief was not available because plaintiff did not file a motion requesting the court to vacate the entry.

Purchase/Defects/Disclosure/Inspection/Frivolous conduct. [Hall v. Waseleski | 2025-Ohio-2552 | 9th Appellate District | 07/21/2025](#) In plaintiffs-property buyers' action against defendant-seller's estate, alleging failure to disclose defects on property after seller, who subsequently died, had completed the disclosure form, after a professional inspection had been performed, and after plaintiffs had purchased the property "as is," the trial court erred in imposing sanctions against plaintiffs and their counsel where sanctions and attorney fees are allowed under R.C. 2323.51 for frivolous conduct, but plaintiffs' conduct did not qualify as frivolous because they did not engage in egregious conduct to maliciously injure defendant, defects reported by defendant did not alert plaintiffs to later-discovered defects in the property, and plaintiffs had evidentiary support and a good-faith basis for their claims.

Purchase/Title transfer/Civil theft/Conversion. [COD Properties Ohio, L.L.C. v. Black Tie Title, L.L.C. | 2025-Ohio-2519 | 8th Appellate District | 07/17/2025](#) In action by plaintiff-purchaser of foreclosed property against defendants-title and escrow services provider and its principals in which a defendant acting on plaintiff's behalf at a sheriff's sale misidentified plaintiff's name, resulting in the deed being issued in the defendant's name—after which defendants refused to transfer the property to plaintiff—where the jury ruled in favor of plaintiff on most of its claims, trial court's denial of defendants' motion for judgment notwithstanding the verdict (JNOV) on plaintiff's civil theft claim is affirmed since civil theft can apply to real property, but trial court's denial of defendant's motion for JNOV on plaintiff's conversion claim is reversed since Ohio law does not recognize conversion of real property; as well, trial court's order granting plaintiff's Civ.R. 60(A) motion to supplement the record in support of attorney fees is

reversed, and attorney fee award is partially reversed.

Sale/Sewer line/Disclosure/Material defect. [Ashmus v. Coughlin | 2025-Ohio-2412 | Supreme Court of Ohio | 07/10/2025](#) In the home seller's breach of contract action against buyers who sought to rescind purchase contract after discovering a publicly recorded sewer easement they claimed was not disclosed—arguing it was a "material defect" under R.C. 5302.30(D)(1) and the associated Residential Property Disclosure Form—the appellate court's judgment in favor of the buyers is reversed on reasoning that a working, publicly recorded sewer line does not constitute a "material defect," as it is neither a flaw nor an inadequacy and does not inhibit a typical buyer's use of the property, the disclosure form's requirement to list "non-observable physical conditions that could inhibit a person's use" applies to general use, not to a buyer's specific intended use, and the contract's "as is" clause negated any common-law duty to disclose, even latent defects, so the trial court's award of damages to the seller for the buyers' breach is reinstated.

Condominium restriction/Amendment/Leasing. [Wishnosky v. Harbour Light 1 Condominium Assn., Inc. | 2025-Ohio-2453 | 8th Appellate District | 07/10/2025](#) In plaintiff-condominium owner's action against defendant-owners association seeking to recover amount assessed against him for legal fees incurred by defendant in trying to enforce a condominium leasing restriction against plaintiff, judgment in favor of plaintiff is affirmed where plaintiff purchased a unit prior to amendment of governing documents prohibiting leasing, subsequent transfers of the unit between plaintiff, his wife, and their businesses were made with no valuable consideration or sales amount, and because there was zero "sale amount" or "conveyance fee," there was no violation of the no-leasing amendment.

Zoning/Conditional use/Warehouses/Environmental impact. [1221 Alum Creek Drive Properties, L.L.C. v. Bowling Green Twp. Bd. of Zoning Appeals | 2025-Ohio-2491 | 5th Appellate District | 07/10/2025](#) Trial court's decision overturning board of zoning appeals' (BZA) denial of conditional use permits for warehouse construction is reversed on reasoning that, while trial court correctly found that an amendment to the township zoning resolution—removing warehouses as conditional uses—was invalid due to procedural defects under R.C. 519.12, the court erred by failing to consider BZA's alternative reasons for denying the applications where the BZA had also analyzed the proposed use of warehouses under the general conditional use standards of the zoning resolution and found that large whiskey storage warehouses would conflict with the township's rural character and create environmental risks (including black fungus) that could have a serious impact and overwhelm local emergency services, and since these independent reasons were not addressed by the trial court, the appellate court reversed and remanded for further proceedings.

Rental property/Damage. [Calicoat v. Conner | 2025-Ohio-2252 | 2nd Appellate District | 06/27/2025](#) In landlord's action for damages against former tenant in which landlord alleged that tenant left the rental property in disrepair and sought damages, including cleaning and repairs performed by his LLC, the trial court's adoption of magistrate's decision in favor of tenant is affirmed where landlord failed to meet his burden of proof, as he presented no receipts, time records, or evidence justifying his labor rate or expenses, and there was no error in the trial court's independent review under Civ.R. 53(D)(4)(d).

Nuisance/Abatement/Injunction. [Columbus v. 71-73 E. Norwich Ave., L.L.C. | 2025-Ohio-2240 | 10th Appellate District | 06/26/2025](#) In action by city asserting that property was a public nuisance, in violation of Columbus City Code and R.C. 3767.41(A)(2)(a), where trial court ordered owner of the premises to bring the property into compliance with the code by a certain date, and owner did comply, closing the case, trial court erred in issuing a

permanent injunction enjoining owner from maintaining a public nuisance at the subject property or any other property in the county—with the injunction running with the land and binding on the real estate—since R.C. 715.30 permits injunctive relief only to “prevent or terminate” specific existing or imminent violations, so the broad, perpetual nature of the injunction imposed after the cited violations had been abated was not supported by law, and no city code provisions justified binding the injunction to the real estate post-abatement.

Condominiums/Governing documents/Breach/Right to jury trial. [Porter v. Hammond N. Condominium Assn. | 2025-Ohio-2210 | 1st Appellate District | 06/25/2025](#) In action by plaintiffs—a group of condominium unit owners—seeking both injunctive relief and damages, R.C. 5311.19(A), alleging that defendants-association and its board breached condominium’s governing documents where defendants filed counterclaims, and judgment was rendered in their favor after a bench trial, the judgment is reversed and the case is remanded on reasoning that plaintiffs were improperly denied their constitutional right to a jury trial, Ohio Const. Art. I, Sec. 5, since, although the trial court conducted a bench trial on the equitable claims, it also resolved factual issues underlying the damages claims, thereby infringing on the plaintiffs’ jury-trial rights, and claims for damages under R.C. 5311.19(A) are analogous to common-law actions to enforce real covenants, which historically carried a right to jury trial; trial court’s Civ.R. 54(B) certification was proper, making the partial judgment final and appealable under R.C. 2505.02(B)(1).

Condominium unit/Ownership/Disclaimers/Assessments/Res judicata. [Point E. Condominium Owners' Assn. v. Bilfield | 2025-Ohio-2142 | 8th Appellate District | 06/18/2025](#) In plaintiff-condominium owners’ association’s action against defendants—remainder beneficiaries of a deceased unit owner—seeking a declaratory judgment as to their liability for unpaid assessments, administrative late charges, and collection fees under the declaration of ownership, the trial court erred in declaring defendants’ irrevocable

disclaimers of interest invalid under R.C. 5815.36(J) because the disclaimers had been acknowledged in a prior foreclosure proceeding in which the issue could have been raised, and was thus barred by res judicata; there is a dissenting opinion.

Contract/Breach/Fraud/Code violations/Merger by deed. [Broadview Rd. Holdings, L.L.C. v. 7800 Broadview, Inc. | 2025-Ohio-2006 | 8th Appellate District | 06/05/2025](#) In commercial property buyer’s action against sellers, alleging various claims for failure to disclose violations of city code, trial court erred in granting sellers’ motion for judgment on the pleadings where buyer sufficiently pled claims for breach of contract, negligent misrepresentation, and fraudulent concealment, and the defenses of caveat emptor and constructive notice, based on the public record of the violations, R.C. 5301.253, did not apply to bar the claims because sellers were aware of the code violations and made misrepresentations in the parties’ agreement, and sellers provided no evidence and made no allegations that the housing code violations appeared in the public record; as well, the question remains as to applicability of the doctrine of merger by deed, which provides that whenever a deed is delivered and accepted without qualification, pursuant to a sales contract for real property, the contract becomes merged into the deed, and no cause of action on the prior agreement exists.

Eviction/Record/Sealing. [Hurst v. Peters | 2025-Ohio-1958 | 5th Appellate District | 05/30/2025](#) Denial of defendant’s motion to restrict public access to dismissed eviction filing, Sup.R. 45(E), which applies to public access to court records, is reversed where defendant, who was named in eviction complaint that was later dismissed due to the plaintiff’s failure to appear, sought to seal the record, asserting that the filing—despite resulting in no judgment—negatively affected her ability to secure housing, and Sup.R. 45(E) applies broadly to “any party to a judicial action or proceeding” and does not exclude eviction cases, so the trial court erred in refusing to consider plaintiff’s request under that rule, and the case is remanded for the trial court to evaluate the sealing request under the proper

legal standard; as well, a hearing was not mandatory under Sup.R. 45(E), as the rule states the trial court “may schedule a hearing,” rendering it discretionary.

Demolition/Notice/Pleading/Immunity/Due process. [Nicholson v. Youngstown | 2025-Ohio-1915 | 7th Appellate District | 05/23/2025](#) In homeowner’s action against city alleging that his house was demolished without notice of a demolition order or evidence of code violations, summary judgment in favor of city is reversed where owner properly pleaded a due process claim by showing that he had received no notice and that a tenant was renting the property without complaints about its condition, the order from fire chief declaring demolition an emergency was not supported with documentation, and owner’s due process claim was not barred by the governmental immunity defense since courts have disallowed the governmental immunity defense in wrongful demolition cases where federal constitutional claims are made, and owner’s pleadings used terms of art such as “taking for which just compensation should have been made” and “due process of law,” clearly invoking constitutional rights.

Landlord/Tenant/Lease breach/Loss mitigation/Capital expenditures/Maintenance fees. [Neyer Holding II, Inc. v. Huang | 2025-Ohio-1776 | 12th Appellate District | 05/19/2025](#) In plaintiff-commercial building owner’s action against defendant-tenant, alleging repudiation of lease and failure to pay rent, where defendant asserted, inter alia, that plaintiff breached the lease by charging her for building maintenance as a portion of her monthly rent payment and breached its duty to provide her with quiet enjoyment of the premises, while plaintiff, in turn, claimed damages for capital expenditures incurred to mitigate defendant’s damages by securing new tenants, the trial court erred in awarding to plaintiff damages for its capital expenditures where, although incidental expenditures incurred by plaintiff in its effort to mitigate damages are recoverable if they are reasonable and foreseeable, the question remains whether the capital expenditures were foreseeable to defendant as the probable result

Real Property (Continued)

of her breach; as well, plaintiff was permitted to charge defendant a pro rata share of common area maintenance fees.

Eviction/Unjust enrichment/

Counterclaim. [Miller v. Bates | 2025-Ohio-1679 | 2nd Appellate District | 05/09/2025](#) In plaintiff's forcible entry and detainer action against defendant-former romantic partner, judgment in favor of defendant on his counterclaim for unjust enrichment is reversed where, although defendant served as the general contractor in the construction of plaintiff's home, defendant acted as a volunteer contractor and did not expect to be paid or receive a profit for his work, and he did not pay rent or share living expenses in the home for 30 months, while plaintiff paid for the expenses incurred in the construction, and any enrichment conferred to plaintiff was not unjust, with one minor exception.

Rent escrow application/Dismissal/ Premises defects. [Brazzil v. RSH 506, L.L.C. | 2025-Ohio-1581 | 6th Appellate District | 05/02/2025](#) In tenant's R.C. 5321.07 rent escrow application and affidavit, alleging violations of landlord's duties under R.C. 5321.04(A), including failure to maintain heating and security conditions in his apartment, and seeking an order for landlord to correct various issues on the property, trial court erred in dismissing tenant's application where landlord was obligated to cure defects of the premises pursuant to R.C. 5321.04, landlord's duties were not limited to issues regarding habitability, and the action should not have been dismissed on that basis.

Torts

Medical malpractice/Proximate cause/Standard of care/Dissent.

[Porach v. Cleveland Clinic Found. | 2025-Ohio-2522 | 8th Appellate District | 07/17/2025](#) In plaintiff's medical malpractice and wrongful death action, filed individually and as estate administrator on behalf of her son, in which trial court had granted a partial directed verdict in favor of defendant-physician on reasoning that plaintiff failed to establish a violation of the standard of care proximately causing son's

death, the trial court erred in limiting the jury's consideration to only one alleged breach of the standard-of-care—the administration of morphine—excluding other alleged breaches from consideration where plaintiff's expert provided sufficient testimony that other breaches—such as failing to assess vitals or to document status changes—were relevant to establishing unreasonable conduct and standard-of-care violations so the case is remanded for a new trial; the trial court did not err in denying a challenge for cause to a juror or in declining to exclude defense expert testimony, despite a violation of the court's separation of witnesses order, instead opting for a curative instruction, and there is a dissenting opinion.

Medical malpractice/Evidence/Video compilation/License revocation.

[Worley v. Durrani | 2025-Ohio-2245 | 1st Appellate District | 06/27/2025](#) In plaintiff-executrix' action against defendants-physician and clinic alleging, inter alia, medical negligence in performing unnecessary surgeries on decedent, judgment in favor of plaintiff is reversed where video compilation used to discredit physician was previously found to be prejudicial and should not have been admitted under doctrine of stare decisis, frequent statements at trial regarding physician's medical-license revocations should not have been allowed, and evidentiary rulings resulted in cumulative prejudicial error that was not harmless under Civ.R. 59(A), so the case is remanded.

Slip and fall/Floor renovation/Open and obvious. [Sczublewski v. Kroger Co. | 2025-Ohio-2029 | 6th Appellate District | 06/06/2025](#) In plaintiff-store patron's slip and fall negligence action against defendants-store and its contractor, in which plaintiff asserted that he was injured after tripping over a concealed hazard in the vestibule of the store—a rug covering raised plywood taped to the floor during renovations—trial court's summary judgment to defendants on reasoning that there was no duty to warn store patrons under the open and obvious doctrine, that the height difference between the plywood and the floor was less than two inches, and that no attendant circumstances existed is reversed because the hazard was purposely concealed, not

open and obvious, genuine issues of material fact existed as to whether attendant circumstances—such as an employee's obstructing position and lack of warning—prevented plaintiff from perceiving the risk, and plaintiff sufficiently identified the cause of his fall, so the case is remanded for the factual disputes to be decided by a jury.

Negligence/Judgment on pleadings/ Unauthenticated photographs.

[Berick v. Engwiller Properties, Inc. | 2025-Ohio-1989 | 5th Appellate District | 06/02/2025](#) In plaintiffs' premises liability negligence action against defendant-commercial property owner, alleging injuries sustained when she fell into uncovered window well on property, the trial court erred in granting defendant's Civ.R. 12(C) motion for judgment on the pleadings on reasoning that photographs attached to plaintiffs' complaint demonstrated that the condition of the window well was open and obvious since the photographs did not meet the requirements of Civ.R. 10(D), which addresses attachments to pleadings, where the photographs were unauthenticated, were not accounts or written instruments under the Rule, and should not have been considered by the court in making its determination, even though the photographs were provided by plaintiffs; the complaint did properly set forth all the elements of the negligence claims—the existence of a duty, a breach of that duty, and an injury proximately resulting from the breach.

Negligence/Vehicle accident/ Apportionment/Pre-existing condition. [Rericha v. Dept. of Rehab & Corr. | 2025-Ohio-1793 | 10th Appellate District | 05/20/2025](#) In plaintiff's negligence action against defendant-state agency, alleging injuries sustained in vehicle collision with car owned by defendant and driven by its employee, judgment in favor of plaintiff is affirmed where the accident in question and second unrelated accident were both substantial factors in producing harm to plaintiff, defendant did not show that harm to plaintiff was capable of apportionment, and the eggshell skull rule was

properly applied because evidence showed that plaintiff had pre-existing conditions that made him additionally susceptible to injuries.

Wrongful death/Statute of repose/Relation back. [Taylor v. Kettering Med. Ctr. | 2025-Ohio-1766 | 2nd Appellate District | 05/16/2025](#) In estate's wrongful action against medical defendants for allegedly misdiagnosing cancer, leading to decedent's death, where estate filed an amended complaint asserting wrongful death claims against several defendants previously dismissed due to the four-year medical malpractice statute of repose in R.C. 2305.113(C), trial court's denial of defendants' motion for summary judgment, holding that under Civ.R. 15(C), the wrongful death claims "related back" to the original filing and thus were not time-barred, is reversed since R.C. 2305.113(C) is a substantive statute of repose, and Civ.R. 15(C)—a procedural rule—cannot override a substantive right under Ohio Const. Art. IV, Sec. 5(B), and because statutes of repose eliminate liability after a fixed period regardless of when a cause of action accrues, the trial court erred by treating the wrongful death claim as timely based on relation back, and the case is remanded for the trial court to determine whether applying R.C. 2305.113(C) to bar the wrongful death claims violates constitutional guarantees of equal protection or due process.

Spoliation of evidence/Video of accident/Individual immunity. [Foster v. Toledo City School Dist. Bd. of Edn. | 2025-Ohio-1769 | 6th Appellate District | 05/16/2025](#) In plaintiff-motor cyclist's spoliation of evidence complaint against defendant-school employee alleging failure to preserve video evidence related to motorcycle accident that plaintiff asserts was caused by school bus, the trial court erred in granting defendant's political subdivision immunity-based motion to dismiss where defendant was not entitled to immunity under R.C. 2744.02 because defendant was sued in her personal capacity, as evidenced by service at her residence, allegation of specific acts, and claim for punitive damages related to defendant's individual conduct—not for policies of

the school—and analysis should have been made under R.C. 2744.03(A)(6) to determine entitlement to individual immunity.

Wrongful death/Arbitration/Successor judge/Assessment of testimony. [Metzger v. Strongsville Care Group, L.L.C. | 2025-Ohio-1732 | 8th Appellate District | 05/15/2025](#) In plaintiffs' action for wrongful death and survivorship against defendant-special care center, the trial court's order compelling arbitration, based on alternative dispute resolution arbitration agreement, is reversed where plaintiffs argued that decedent's wife did not knowingly sign the arbitration agreement and disputed its validity, an evidentiary hearing was held before one judge, but a successor judge—who did not observe the witnesses—granted defendants' renewed motion to stay proceedings and enforce the agreement based solely on the transcript, and since credibility was central to determining whether wife signed the agreement, along with conflicting testimony requiring live assessment by the factfinder, the case is remanded for a new hearing to determine whether a valid arbitration agreement exists.

Medical malpractice/Limitations/Federal court/Tolling/Dismissal. [Smith v. Mercy Health-Clermont Hosp., L.L.C. | 2025-Ohio-1590 | 12th Appellate District | 05/05/2025](#) In patient's medical malpractice action—that was originally timely filed, R.C. 2305.113(A)—against medical defendants, deemed public health service hospital and employees for purposes of malpractice liability, 42 U.S.C. 233(a), where the case was removed to federal court under the Federal Tort Claims Act, but the federal court declined supplemental jurisdiction, and patient refiled her claims in state court, trial court's Civ.R. 12(B)(6) dismissal of complaint for being filed beyond the statute of limitations is affirmed, and patient's arguments that the federal supplemental jurisdiction tolling statute and the relation-back doctrine preserved her claims are without merit since 28 U.S.C. 1367 (supplemental-jurisdiction statute) tolls limitations only while claims are pending in federal court—not retroactively while they are pending in state court pre-removal—and does not apply when the state medical statute of limitations

had already expired before removal; as well, the patient had already used Ohio's saving statute (R.C. 2305.19) once and could not use it again.

Medical malpractice/Nurse/Vicarious liability/Limitations. [Marshall v. Mercy Health-Anderson Hosp., L.L.C. | 2025-Ohio-1268 | 1st Appellate District | 04/11/2025](#) In wife-administrator of husband's estate's medical malpractice action seeking to hold hospital vicariously liable for actions of nurse, which allegedly led to husband's death following surgery, summary judgment in favor of hospital, on reasoning that under Clawson and Wuerth, vicarious liability was precluded because the nurse was not named in the lawsuit and any direct claim against her was time-barred, is reversed because Clawson and Wuerth apply only to claims involving malpractice by attorneys and physicians—not to negligence claims involving non-physician hospital employees such as nurses, and medical claims alleging negligence of a nurse are governed by the doctrine of respondeat superior, so wife was permitted to sue defendant as nurse's employer, and the case is remanded.

Negligence/Limitations/Agent/Principal/En banc reconsideration. [Badra-Muniz v. Vinyl Carpet Serv., Inc. | 2025-Ohio-1280 | 2nd Appellate District | 04/02/2025](#) In premises liability negligence action by plaintiff, alleging injury while working on construction project, resulting in summary judgment for defendant, affirmed by the instant court, plaintiff's application for reconsideration and reconsideration en banc, App.R. 26(A)(2)(a), asserting a conflict between decisions of the instant court, is denied where the issue is whether a judgment that liability has been extinguished against an agent due to the expiration of the statute of limitations requires that the court also dismiss a derivative claim against the principal if the principal raises and establishes the limitations defense, and there is no conflict since the instant court followed an intervening Ohio Supreme Court decision which held that the limitations defense applies to any principal to whom Ohio law would apply, rather than only to cases involving professional negligence; R.C. 2307.241 was recently enacted to address this issue.

Impaired driving/Motion to suppress. [Solon v. Moore | 2025-Ohio-2446 | 8th Appellate District | 07/10/2025](#) In a prosecution for impaired driving, the court of appeals reverses the trial court's grant of defendant's motion to suppress evidence where defendant was found parked improperly in a grocery store lot after her son called 9-1-1 to report that she was driving while intoxicated, and although the trial court suppressed the results of field sobriety tests, finding the officers lacked reasonable suspicion, the appellate court held that the officers were justified in conducting the investigation based on the totality of the circumstances, with the appellate court emphasizing that the 9-1-1 call from defendant's son, an identified and reliable citizen informant with personal knowledge, provided reasonable suspicion, and additional corroborating facts including defendant's slurred speech, her admission to buying alcohol, and her bloodshot eyes, satisfied the Fourth Amendment and Ohio Const. Art. I, Sec. 14 standards for reasonable suspicion, that warranted administration of field sobriety tests; cause remanded.

Impaired driving/Plea. [State v. Wilson | 2025-Ohio-2110 | 11th Appellate District | 06/13/2025](#) In a conviction by guilty plea to a third offense of OVI, R.C. 4511.19(A)(1)(a), the court of appeals reverses, holding that the trial court failed to comply with Traf.R. 10(C) and Crim.R. 11(D) when accepting defendant's guilty plea, with the appellate court holding that the trial judge completely failed to inform defendant that a guilty plea constitutes a complete admission of guilt, a violation of the non-constitutional requirements of Traf.R. 10(B) and Crim.R. 11(B) since a complete failure eliminates the need to show prejudice and mandates vacating the plea, Dangler, and in this case, no factual basis for the plea was discussed, and the record contained no written plea agreement or other evidence of compliance; plea is vacated and case is remanded for further proceedings at the point of error, the plea hearing.

Aggravated vehicular homicide/ Impaired driving/Proximate cause/ Ineffective assistance. [State v. Quinn | 2025-Ohio-1583 | 6th Appellate District | 05/02/2025](#) In a conviction of, inter alia, aggravated vehicular homicide, R.C. 2903.06(A)(1)(a), and OVI, R.C. 4511.19, based on a fatal crash in which defendant, while intoxicated, crashed her vehicle and left it disabled on the interstate without lights, that was struck by another driver and who died, the court of appeals rejected defendant's argument that her passenger's unforeseeable act of grabbing the steering wheel was the sole proximate cause of the crash, the court finding sufficient evidence that defendant's impairment, demonstrated by a blood alcohol content of 0.094 several hours after the crash, was a substantial factor contributing to the loss of vehicle control; also, although defense counsel provided ineffective assistance by stipulating to the admissibility of prior OVI convictions, in light of the overwhelming evidence of defendant's impairment, the outcome of the trial would not have been different had defense counsel not made the stipulation.

OVI/No contest plea/Presence of drugs/Evidence. [State v. Scudder | 2025-Ohio-1267 | 1st Appellate District | 04/11/2025](#) Defendant's conviction by no contest plea to operating a motor vehicle under the influence of drugs (OVI), which was an admission of facts alleged but not an admission of guilt, R.C. 2937.07, is reversed where the prosecutor's vague statement—merely reciting the statutory citation—failed to identify the presence or concentration of methamphetamine, a critical element of the offense, and because no facts were provided to support each element of the charge, and defendant did not clearly waive his right to a factual recitation, the trial court's finding of guilt lacked the necessary evidentiary support; defendant is discharged from further prosecution on the OVI charge.

Workers' Compensation

Total loss of use/Appeal/Extent of disability. [Kirksey v. Cornerstone Innovations, Inc. | 2025-Ohio-2681 | 8th Appellate District | 07/31/2025](#) Trial court's dismissal, Civ.R. 12(B)(1), for lack of jurisdiction of claimant's appeal of industrial commission's denial of his

motion for a scheduled-loss award for the total loss of use of his right foot, R.C. 4123.57(B), is affirmed where trial court reasoned that commission's denial concerned the "extent of disability," which is not appealable to common pleas court, R.C. 4123.512(A), but rather must be challenged through a mandamus action in the Tenth District Court of Appeals, and claimant's argument that his claim involved a "right to participate" in the workers' compensation system is without merit.

Temporary total disability/School year/Stretch pay. [State ex rel. Columbus Schools, Columbus Bd. of Edn. v. Mizer | 2025-Ohio-2234 | 10th Appellate District | 06/26/2025](#) Denial of employer-school board's petition for a writ of mandamus to overturn industrial commission's award of temporary total disability (TTD) compensation to claimant-speech therapist is affirmed where claimant, who sustained a work-related injury during a school year, was on a "stretch pay" schedule to receive prorated wages over 12 months for 9 months of work and was granted TTD benefits, so employer's argument that claimant was ineligible for TTD during the summer recess, R.C. 4123.56(F), because she was not scheduled to work and had no earnings, was meritless since claimant lost her "stretch pay" due to her injury and received no summer wages and was entitled to TTD for that period.

Scheduled-loss of use/Dependent/ Requirement. [State ex rel. Byk v. Indus. Comm. | 2025-Ohio-2044 | Supreme Court of Ohio | 06/11/2025](#) Granting surviving spouse's petition for a limited writ of mandamus to compel industrial commission to vacate its order denying her claim for accrued scheduled-loss of use compensation for decedent's loss of use of extremities due to an industrial accident is reversed on reasoning that because decedent's claim had already been denied by the commission, he was not "lawfully entitled to have applied" a second time at the date of his death—a requirement under R.C. 4123.60 for a dependent to seek unpaid compensation; neither R.C. 4123.57(B) nor R.C. 4123.60 authorized a second application for previously denied scheduled-loss compensation, and the prior denial was binding under res judicata.

Specific safety requirement/**Asphyxiation/Toxic gas/Dissent.** [State ex rel. Culver v. Indus. Comm. | 2025-](#)[Ohio-1612 | Supreme Court of Ohio |](#)

[05/07/2025](#) In workers' compensation action arising from death of employee from asphyxiation while working in an elevator-control room in which a malfunctioning air system flooded the space with nitrogen gas, displacing oxygen, where decedent's wife was granted death benefits and she also filed a claim for an additional award based on employer's alleged violation of a specific safety requirement (VSSR), former Ohio Adm. Code 4123:1-5-17(F) and 4123:1-5-18(C), the court of appeals erred in reversing industrial commission's denial of wife's claim where the commission reasoned that there was no evidence that nitrogen is a "toxic gas" under the former rule definitions, and the commission's finding was supported by "some evidence"—including expert testimony that nitrogen is non-toxic—and that the term "toxic" must be interpreted according to its plain meaning; there is a dissenting opinion.

Death benefits/Dependent/**Presumptive/Actual.** [State ex rel.](#)[Mazany v. Mentor | 2025-Ohio-1380 |](#)[10th Appellate District | 04/17/2025](#) In

relator-son's application for workers' compensation death benefits as father's dependent, limited writ of mandamus is granted directing the commission to reconsider relator's application for workers' compensation death benefits under the final paragraph of R.C. 4123.59(D) where, although the magistrate correctly determined that relator was not qualified as a presumptive beneficiary, the commission failed to consider whether relator qualified for benefits under R.C. 4123.59(D), and actual dependency must be determined according to the facts that existed at time of injury that resulted in father's death.