

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
October 27, 2023

These case summaries are issued for the convenience of the public, the bench, and the bar. They are a brief statement of the court's holdings and are not to be considered headnotes or syllabi. Copies of opinions are available from the particular county's clerk of courts. The full text of each opinion will be available on the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/rod/docs/?source=2>.

Case Name: *State of Ohio v. Todd Morgan*
Case No: Miami C.A. No. 2023-CA-10; T.C. Case No. 22CR332
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: Appellant's sentence was not contrary to law; it fell within the range provided by statute and the trial court stated both at the sentencing hearing and in its judgment entry that it had considered the principles and purposes of sentencing set forth in R.C. 2929.11 and then balanced the seriousness and recidivism factors under R.C. 2929.12. Judgment affirmed.

Case Name: *Jennifer Giron Sanchez v. Benny Vazquez*
Case No: Montgomery C.A. No. 29788; T.C. Case No. 2018 DR 01121
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: On remand, the trial court did not abuse its discretion when it imputed income to appellant after considering the criteria in R.C. 3119.01(C)(17)(a). Judgment affirmed.

Case Name: *State of Ohio v. Tejan K. Coran*
Case No: Clark Appeal No. 2023-CA-12; T.C. Case No. 22-CR-0686
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: Appellant waived his constitutional challenge to a statute by failing to raise it in the trial court. The evidence submitted to the jury was insufficient to establish that appellant's firearm was loaded or that ammunition was ready at hand. Therefore, appellant was improperly convicted of the fourth-degree felony level of the offense of carrying a concealed weapon. Judgment reversed in part and remanded for

the trial court to modify the judgment to reflect a conviction for the first-degree misdemeanor level of the offense and to sentence appellant accordingly. In all other respects, judgment affirmed.

Case Name: *In the Matter of K.L. and K.R.*
Case No: Miami C.A. No. 2023-CA-12; T.C. Case Nos. 21630212; 21630213
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in finding a change in circumstances for purposes of reallocating parental rights based on appellant-mother's unannounced move to Cleveland and her deprivation of appellee-father's parenting time. The trial court properly evaluated the statutory best-interest factors when awarding appellee-father legal custody of the parties' minor child. Judgment affirmed.

Case Name: *State of Ohio v. Bobby Gene Sitzes II*
Case No: Clark C.A. No. 2023-CA-7; T.C. Case No. 22-CR-0437
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: Appellant was convicted of numerous rape counts involving his two minor stepchildren. Trial counsel did not provide ineffective assistance by not filing a motion to suppress statements made by appellant or by not filing a motion requesting that appellant undergo a competency evaluation. The trial court did not err by overruling appellant's request for new appointed counsel. Finally, the convictions were not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *Maronda Kraft et al. v. Volunteers of America Dayton Residential Reentry Program et al.*
Case No: Montgomery C.A. No. 29802; T.C. Case No. 2022 CV 04690
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: The trial court did not err in dismissing appellants' tort claims against a defendant employed by the State of Ohio. The trial court lacked subject-matter jurisdiction over those claims absent a determination by the Court of Claims that the state employee was not entitled to personal immunity. The trial court properly entered judgment on the pleadings on appellants' tort claims against other defendants based on expiration of the statute of limitations. Judgment affirmed.

Case Name: *In re M.S.*
Case No: Montgomery C.A. No. 29828; T.C. Case No. G-2020-004207-0C,0G
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court reasonably found by clear and convincing evidence that the child had been abandoned by Mother, that the child could not be returned to Mother's custody within a reasonable time, and that it was in the child's best interest to award permanent custody to the children services agency. Judgment affirmed.