

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**November 17, 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: *William Bogan, et al. v. Montgomery County Auditor Karl Keith, et al.*  
Case No: Montgomery C.A. No. 29842; T.C. Case No. 2023 CV 01663  
Panel: Welbaum, Epley, Huffman  
Author: Christopher B. Epley  
Summary: The trial court did not err when it granted appellees' Civ.R. 12(B)(6) motion to dismiss. Appellants failed to state a claim upon which relief could be granted as R.C. 5301.252 does not provide a procedure to obtain title to real property based only on a sworn affidavit. Further, both the county auditor and prosecutor were immune from liability under the Political Subdivision Tort Liability Act. Judgment affirmed.

Case Name: *State of Ohio v. Douglas Ray*  
Case No: Greene C.A. No. 2023-CA-4; T.C. Case No. 2020-CR-0352  
Panel: Welbaum, Epley, Huffman  
Author: Jeffrey M. Welbaum  
Summary: Because there was substantial evidence demonstrating that appellant had violated several conditions of his community control sanctions, we find no abuse of discretion in the trial court's judgment revoking appellant's community control. However, the 30-month prison term imposed by the trial court following the revocation is contrary to law due to the court's reliance on materially false information regarding appellant's criminal history at sentencing. Judgment affirmed in part, reversed in part, and remanded.

**DECISION AND FINAL JUDGMENT ENTRY RENDERED NOVEMBER 14, 2023**

Case Name: *State of Ohio v. J.M.D.*  
Case No. Greene C.A. No. 2023-CA-55; T.C. Case No. 2022-A-0069-0A, 0B  
Panel: Welbaum, Tucker, Epley  
Author: Per Curiam  
Summary: Juvenile appeals the denial of his motion for judicial release to court supervision from a Department of Youth Services commitment. The appeal is dismissed for lack of final appealable order. A juvenile lacks any substantial right to judicial release to court supervision from a Department of Youth Services commitment under R.C. 2152.22. Judicial release by the juvenile court is an act of grace. Appeal dismissed.