

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**November 22, 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. Brandon Gau*  
Case No: Montgomery C.A. No. 29786; T.C. Case No. 2023 CR 00030  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: The trial court did not err by accepting appellant's guilty plea to a single count of gross sexual imposition. Appellant entered his plea knowingly, intelligently, and voluntarily. Judgment affirmed.

Case Name: *In the Matter of: The Estate of Robert J. Reck*  
Case No: Darke C.A. No. 2023-CA-5; T.C. Case No. 21-1-089  
Panel: Tucker, Epley, Lewis  
Author: Ronald C. Lewis  
Summary: The probate court did not abuse its discretion in denying appellant's Civ.R. 60(B) motion for relief from judgment without a hearing, because appellant did not have standing to seek removal of the executrix. Judgment affirmed. (Epley, J., concurring in judgment only.)

Case Name: *State of Ohio v. Christopher Debord*  
Case No: Montgomery C.A. No. 29709; T.C. Case No. 2022 CR 00888  
Panel: Welbaum, Tucker, Lewis  
Author: Jeffrey M. Welbaum  
Summary: Appellant's convictions for aggravated murder, aggravated robbery, aggravated burglary, grand theft of a motor vehicle, tampering with evidence, having weapons while under disability, and related firearm specifications were not against the manifest weight of the evidence. Although the trial court improperly allowed the State to impeach one of its own trial witnesses without a showing of affirmative damage as required by Evid.R. 607(A), that error was harmless and did not amount to plain error. Additionally, the trial court did not err by admitting certain photographs of the deceased victim into evidence where the photographs were not needlessly cumulative. Furthermore, appellant failed to establish that his counsel's failure to

object/properly object to the aforementioned evidentiary errors at trial denied him his constitutional right to effective assistance of counsel. Appellant's claim that the trial court should have suppressed statements he made during a police interview lacks merit; the record establishes that appellant validly waived his *Miranda* rights and that none of appellant's statements were coerced by the interviewing officers' making false promises of leniency. Appellant's claim that his convictions should be reversed under the cumulative error doctrine also lacks merit. Lastly, appellant's claim that the indefinite sentencing scheme set forth in the Reagan Tokes Law is unconstitutional lacks merit per prior decisions of this court and the Supreme Court of Ohio's recent decision in *State v. Hacker*, Ohio Slip Opinion No. 2023-Ohio-2535, \_\_\_ N.E.3d \_\_\_. Judgment affirmed.

Case Name: *Tametrius N. Cyriaque v. Director - Ohio Department of Job and Family Services et al.*

Case No: Montgomery C.A. No. 29843; T.C. Case No. 2022 CV 03995

Panel: Tucker, Lewis, Huffman

Author: Michael L. Tucker

Summary: Appellant's employer, a medical provider, required appellant, as a condition of continued employment, to obtain a federally-mandated COVID-19 vaccination. Appellant requested a religious exemption to the vaccination requirement. The employer denied the requested exemption, appellant did not obtain a vaccination, and, as a result, her employment was terminated. Thereafter, appellant's application for unemployment benefits was denied by appellee upon the conclusion that appellant's exemption request had not been based upon a sincerely-held religious belief. The trial court affirmed the denial of the unemployment benefits. There was competent, credible evidence in the record to support the conclusion that appellant's exemption request was not premised upon sincerely-held religious opposition to the COVID-19 vaccines. Judgment affirmed.