

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
November 9, 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. Dezane Nicole Barksdale*
Case No: Greene C.A. No. 2023-CA-32; T.C. Case No. 22 CRB 00801
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: Appellant's misdemeanor child-endangering conviction was supported by legally sufficient evidence and was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Adam T. Norris, II*
Case No: Greene C.A. No. 2023-CA-8; T.C. Case No. 2022 CR 0408
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court erred in calculating appellant's maximum prison term under the Reagan Tokes Law. The record does not clearly and convincingly fail to support the trial court's consecutive-sentence findings. The Reagan Tokes Law is not unconstitutional. Judgment affirmed in part, reversed in part; remanded for resentencing.

Case Name: *In the Matter of K.S. Jr. and O.S.*
Case No: Champaign C.A. No. 2023-CA-13;
T.C. Case Nos. 2020 JG 07; 2020 JG 08
Panel: Tucker, Lewis, Huffman
Author: Mary Kate Huffman
Summary: Appellant did not file objections to the magistrate's decision related to child support within 14 days, as required by Juv.R. 40(D)(3)(b)(i); thus, she waived all but plain error, and she has not alleged plain error. Judgment affirmed.

Case Name: *State of Ohio v. Marcus Antonio Core*
Case No: Montgomery C.A. No. 29776; T.C. Case No. 2022 CR 01705
Panel: Tucker, Lewis, Huffman
Author: Mary Kate Huffman
Summary: The trial court did not err by denying appellant's motion to suppress.

Neither the initial seizure nor the subsequent search of his person violated appellant's constitutional rights. Judgment affirmed.

Case Name: *State of Ohio v. James T. Partin*
Case No: Montgomery C.A. No. 29845; T.C. Case No. 2020 CR 03124
Panel: Tucker, Lewis, Huffman
Author: Mary Kate Huffman
Summary: State's appeal. The trial court erred in finding that there was not reasonable articulable suspicion to justify a *Terry* stop and in granting defendant-appellee's motion to suppress. Considering the totality of the circumstances, the officer had reasonable suspicion to justify the *Terry* stop. Judgment reversed and remanded.

Case Name: *State of Ohio v. Virginia R. Slouffman*
Case No: Greene C.A. No. 2023-CA-7; T.C. Case No. 21 CRB 01117
Panel: Tucker, Epley, Huffman
Author: Mary K. Huffman
Summary: Appellant, a school board member, appeals from her misdemeanor conviction for dereliction of duty based on the Board's use of public funds to pay for postcards supporting a school levy, in violation of R.C. 9.03(C)(1)(e). Because it appears that appellant has not completely paid the required restitution and/or court costs, the appeal is not moot. The conviction was not based on insufficient evidence or against the manifest weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. David J. Carpenter*
Case No: Greene C.A. No. 2023-CA-6; T.C. Case No. 21 CRB 01115
Panel: Tucker, Epley, Huffman
Author: Christopher B. Epley
Summary: Appellant, a school board member, appeals from his misdemeanor conviction for dereliction of duty based on the school board's use of public funds to pay for postcards supporting a school levy, in violation of R.C. 9.03(C)(1)(e). Because it appears that appellant has not completely paid the required restitution and/or court costs, the appeal is not moot. The conviction was not based on insufficient evidence or against the manifest weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Joshua Marcum*
Case No: Montgomery C.A. No. 29823; T.C. Case No. 2021 CR 01947
Panel: Epley, Lewis, Huffman
Author: Christopher B. Epley
Summary: The trial court erred in concluding that appellant's petition for postconviction relief was untimely. The trial court did not err in setting a submission schedule and permitting the State to respond to

the petition. The trial court did not abuse its discretion in concluding, without a hearing, that appellant did not demonstrate a *Brady* violation. Judgment affirmed.

Case Name: *State of Ohio v. Michael James Goodpasture*
Case No: Montgomery C.A. No. 29743; T.C. Case No. 2022 CR 3069
Panel: Tucker, Lewis, Huffman
Author: Ronald C. Lewis
Summary: State's appeal. The trial court erred in granting appellee's motion to suppress; the court failed to consider evidence of a window tint violation, which provided sufficient reasonable articulable suspicion to lawfully detain appellee. Judgment reversed and remanded.

Case Name: *State of Ohio v. James L. Buckhannon*
Case No: Miami C.A. No. 2023-CA-11; T.C. Case No. 22CR51
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: Appellant's sentence is not subject to vacation or modification under R.C. 2953.08(G)(2) based on the trial court's purported failure to comply with the purposes of felony sentencing found in R.C. 2929.11(A). The record does not portray ineffective assistance of counsel predicated on defense counsel's failure to raise an allied-offense argument at sentencing. Judgment affirmed.