

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
December 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: *Jodi L. Logan v. Champaign County Board of Elections, et al.*
Case No: Champaign C.A. No. 2023-CA-26; T.C. Case No. 2023 CV 026
Panel: Welbaum, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court erred in granting appellees' successive Civ.R. 12(B) motion. Under Civ.R. 12(G), appellees were required to consolidate all their defenses and objections in their initial Civ.R. 12(B) motion and, by not doing so, they waived their defense of failure to state a claim upon which relief can be granted in a successive Civ.R. 12(B) motion. Judgment reversed and remanded.

Case Name: *Keith Daniels v. Dorian Dunson*
Case No: Montgomery C.A. No. 29873; T.C. Case No. 2023 CV 03710
Panel: Tucker, Epley, Lewis
Author: Christopher B. Epley
Summary: Appellant appeals from the issuance of a civil stalking protection order against him. In the absence of a written transcript of the full hearing before the trial court, we must presume the regularity of the trial court's proceedings and that the evidence supported the trial court's order. Judgment affirmed.

Case Name: *State of Ohio v. Jessica Walker*
Case No: Darke C.A. No. 2023-CA-20; T.C. Case No. 22 CR 0080
Panel: Tucker, Epley, Lewis
Author: Christopher B. Epley
Summary: Appellant's conviction for felonious assault (deadly weapon) was based on sufficient evidence, as trial testimony showed that she knowingly hit the victim with her car, causing injuries to his leg, knee, wrist, and hand. There was not a violation of appellant's Fifth Amendment right to remain silent. The prosecutor's comments during closing argument were not drawing attention to the fact that appellant did not testify, but merely reminding the jury that theories

asserted in appellant's opening statement were not evidence. Finally, the trial court did err by not fully advising appellant about post-release control. Judgment reversed as to post-release control and remanded only for resentencing. In all other respects, judgment affirmed.

Case Name: *City of Dayton v. Sarah Siff*
Case No: Montgomery C.A. No. 29526; T.C. Case No. 2021-CVH-6212
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in finding appellant liable for a civil notice of liability, which alleged that appellant had violated a speed ordinance. Appellant admitted she was the registered owner of the photographed vehicle and failed to provide any evidence rebutting the presumption that she was responsible for the violation. The trial court also did not err in failing to apply various provisions in the Ohio Civil Rules; the statutory scheme in R.C. 4511.092 to R.C. 4511.0914, which governs photo enforcement of traffic laws, is a special statutory proceeding and renders the civil rules at issue "clearly inapplicable" under Civ.R. 1(C). Furthermore, the trial court did not fail to consider appellant's "counterclaim." The court lacked jurisdiction to issue an injunction, and appellant, as a pro se litigant, was not entitled to attorney fees or to be reimbursed for time she spent defending the action (which she lost anyway). Finally, the City did not violate appellant's rights to due process, privacy, and equal protection of the law. Judgment affirmed.

Case Name: *State of Ohio v. Jaquade D. Lewis*
Case No: Montgomery C.A. No. 29798; T.C. Case No. 2022 CR 02793
Panel: Tucker, Epley, Lewis
Author: Michael L. Tucker
Summary: Appellant's conviction for felonious assault (deadly weapon) was not against the manifest weight of the evidence and was supported by sufficient evidence. Judgment affirmed.

Case Name: *April R. Parson v. City of Dayton*
Case No: Montgomery C.A. No. 29861; T.C. Case No. 2023 CV 02624
Panel: Welbaum, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court granted appellee judgment on the pleadings under Civ.R. 12(C). On appeal, appellant has not filed a brief in conformance with App.R. 16; in particular, she has not set forth an argument regarding how the trial court erred and her reasoning in support of these contentions, as required by App.R. 16(A)(7). As such, we cannot address her argument. Judgment affirmed.