

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
December 8, 2023

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Case Name: *State of Ohio v. Richard Blankenship*
Case No: Clark C.A. No. 2023-CA-9;
T.C. Case Nos. 22-CR-0812(B); 23-CR-0033 (B)
Panel: Welbaum, Epley, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in failing to dismiss for cause a juror who previously had been appellant's landlord. Appellant's convictions for engaging in a pattern of corrupt activity, aggravated trafficking in methamphetamine, and trafficking in a fentanyl-related compound were supported by legally sufficient evidence and were not against the weight of the evidence. The trial court did not err in admitting a jail phone-call recording that the prosecutor did not disclose until the morning of trial. Although the trial court's judgment entry correctly calculated and stated appellant's aggregate minimum prison term and his maximum prison term under the Reagan Tokes Law, it erroneously recited a separate maximum term for each Reagan Tokes qualifying offense. Judgment affirmed in part, reversed in part, and remanded for the sole purpose of correcting references to a separate maximum prison term for each Reagan Tokes qualifying offense.

Case Name: *State of Ohio v. Dmaughn Davion Stolings Moore*
Case No: Montgomery C.A. No. 29677; T.C. Case No. 2019 CR 04138
Panel: Welbaum, Epley, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court erred by sentencing appellant to two five-year firearm specifications for offenses that were part of the same act or transaction in violation of R.C. 2929.14(B)(1)(c)(iii). Appellant's claim that his trial counsel provided ineffective assistance by failing to object to the two five-year firearm specifications is moot based on our determination that appellant must be resentenced due to his sentence being in violation of R.C. 2929.14(B)(1)(c)(iii). Appellant's claim that his convictions were not supported by sufficient evidence

and were against the manifest weight of the evidence lacks merit. Judgment affirmed in part, reversed in part, and remanded for the sole purpose of resentencing appellant to one five-year firearm specification.

Case Name: *State of Ohio v. Darnell Lowery*
Case No: Clark C.A. No. 2023-CA-4; T.C. Case No. 22-CR-0288
Panel: Tucker, Epley, Huffman
Author: Michael L. Tucker
Summary: The trial court did not commit plain error at sentencing by inferring a lack of remorse from appellant's refusal to identify an accomplice who had committed aggravated burglary with him. Judgment affirmed.

Case Name: *State of Ohio v. Megan R. Hopkins*
Case No: Clark C.A. No. 2023-CA-27; T.C. Case No. 23CRB00571
Panel: Welbaum, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in ordering appellant to reimburse the Clark County dog warden for costs incurred in caring for her abused dog. Due process did not obligate the trial court to hold a hearing, apart from the sentencing hearing, before indefinitely prohibiting appellant from possessing a companion animal. The trial court's indefinite prohibition on appellant's possession of a companion animal was authorized by law and did not violate double-jeopardy principles. Judgment affirmed.