

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
February 16, 2024

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. Michael S. Dehart*
Case No: Darke C.A. No. 2023-CA-8; T.C. Case No. 22-CR-00285
Panel: Welbaum, Tucker, Huffman
Author: Jeffrey M. Welbaum
Summary: In response to a knock on the driver's side window of his parked car, appellant opened his door and conversed with a sheriff's deputy who requested and received consent to search the vehicle. Given that appellant authorized the deputy to search the car during a consensual encounter, no Fourth Amendment violation occurred. Judgment affirmed.

Case Name: *State of Ohio v. Dustin W. Jennings*
Case No: Montgomery C.A. No. 29895; T.C. Case No. 2022 CR 03316
Panel: Epley, Tucker, Lewis
Author: Michael L. Tucker
Summary: The traffic stop of the vehicle in which appellant was a passenger was not prolonged to allow for a canine air sniff, and the dog's alert to the presence of drugs provided probable cause for the vehicle to be searched. The trial court did not err in overruling appellant's motion to suppress. The record establishes that appellant's no contest plea was knowing, intelligent, and voluntary. Because appellant was sentenced to a term of community control sanctions, the trial court did not err by not including a jail-time credit calculation in the judgment entry. Judgment affirmed.

Case Name: *State of Ohio v. Joshua Dunn*
Case No: Clark C.A. No. 2023-CA-24; T.C. Case No. 22-CR-0656
Panel: Welbaum, Tucker, Huffman
Author: Mary K. Huffman
Summary: When the complaining witness failed to appear for trial, the trial court found that the forfeiture by wrongdoing exception to the hearsay rule applied to the use of her prior statements at trial, because appellant had sent a threatening letter to her from jail and had had repeated

contact with her by phone notwithstanding a no-contact order. Appellant waived any argument that the trial court erred in finding forfeiture by wrongdoing by subsequently entering a guilty plea to intimidation. Ineffective assistance of counsel is not demonstrated in defense counsel's alleged failure to advise appellant to plead no contest, and the record reflects that the trial court substantially complied with Crim.R. 11 in accepting appellant's guilty plea. Judgment affirmed.

Case Name: *In the Matter of: A.A.R., M.R.R., C.W.R.*
Case No: Greene C.A. Nos. 2023-CA-39; 2023-CA-40; T.C. Case Nos. 2020-C-00098-0S; 2020-C-00099-0S; 2020-C-00100-0S
Panel: Epley, Welbaum, Huffman
Author: Mary K. Huffman
Summary: The trial court did not abuse its discretion in awarding legal custody of three children to their uncle in Arizona. Mother and Father failed to complete their case plan objectives, which included addressing mental health, drug use, and parenting issues, and granting legal custody to the uncle was in the best interest of the children. Judgments affirmed.

Case Name: *State of Ohio v. Ronald W. Pitts*
Case No: Montgomery C.A. No. 29649; T.C. Case No. 2022 CR 00546
Panel: Epley, Tucker, Lewis
Author: Christopher B. Epley
Summary: The trial court did not err by ordering appellant to register as an arson offender. The registry does not violate the separation of powers doctrine. Judgment affirmed.

Case Name: *State of Ohio v. James Akins*
Case No: Montgomery C.A. No. 29619; T.C. Case No. 2021 CR 03982
Panel: Epley, Tucker, Lewis
Author: Ronald C. Lewis
Summary: A trial court's failure to inform appellant that a jury verdict must be unanimous to convict him did not render appellant's guilty plea less than knowing, intelligent, and voluntary. Judgment affirmed.