

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**February 23, 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. Caleb Whitfield*  
Case No: Montgomery C.A. No. 29442; T.C. Case No. 2021 CR 1185  
Panel: Welbaum, Tucker, Lewis  
Author: Michael L. Tucker  
Summary: No speedy-trial violation occurred where the trial court postponed appellant's trial date due to appointed counsel's motion to withdraw and the appointment of new counsel. Speedy-trial time was tolled during the delay at issue pursuant to R.C. 2945.72(E), which tolls speedy-trial time for any period of delay "necessitated" by a defendant's motion. Judgment affirmed.

Case Name: *Lawrence E. Baker v. Tisha Baker*  
Case No: Montgomery C.A. No. 29915; T.C. Case No. 2023-DR-00152  
Panel: Epley, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: Appellant failed to appear at the final divorce hearing and thus did not produce evidence at trial relevant to the property division or spousal support. As such, appellant waived any error in the trial court's property division and spousal support determinations. Judgment affirmed.

Case Name: *State of Ohio v. Jaden Lee Hamlett*  
Case No: Montgomery C.A. No. 29923; T.C. Case No. 2023 CR 00730  
Panel: Epley, Welbaum, Huffman  
Author: Christopher B. Epley  
Summary: The trial court did not commit plain error by making comments and taking a recess during appellant's bench trial, and its conduct did not deprive appellant of the effective assistance of counsel. Judgment affirmed.

Case Name: *State of Ohio v. Darnell M. Jones*  
Case No: Montgomery C.A. No. 29784; T.C. Case No. 2021 CR 02642  
Panel: Epley, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not err in overruling appellant's motion for a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978), to challenge the veracity of allegations in two search-warrant affidavits. Appellant failed to make a substantial threshold showing of false statements or material omissions in the affidavits. The record does not portray ineffective assistance of counsel based on defense counsel's handling of the *Franks* issue. Judgment affirmed.

Case Name: *In re J.B. and X.B.*  
Case No: Montgomery C.A. No. 29921;  
T.C. Case Nos. G-2015-006026-0Z; G-2018-005753-0Q  
Panel: Welbaum, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not abuse its discretion by awarding sole legal custody of two children to their material grandmother. Although the trial court found a change of circumstances (the divorce of the grandparents, who had legal custody of the children prior to the divorce), it reasonably concluded that it was in the best interest of the children for maternal grandmother, rather than Mother, to have legal custody. Judgments affirmed.

Case Name: *In the Matter of the Adoption of U.I and N.M.*  
Case No: Montgomery C.A. No. 29908;  
T.C. Case Nos. 2023 ADP 00028; 2023 ADP 00029  
Panel: Welbaum, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: The probate court erred by dismissing appellant's adoption petitions for lack of subject-matter jurisdiction where appellant was a lawful permanent resident who was attempting to adopt her two grandchildren, who also were lawful permanent residents. The probate court abused its discretion by dismissing the adoption petitions for failure to prosecute solely due to appellant's failure to advance court costs after the court found appellant was indigent. Judgments reversed and remanded.

Case Name: *State of Ohio v. Tiandre L. Turner*  
Case No: Montgomery C.A. No. 29785; T.C. Case No. 2022 CR 03241  
Panel: Epley, Welbaum, Lewis  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not err by denying appellant's motion to sever the 18 charges for which he was indicted. Joinder of all the charges was

appropriate given that the evidence supporting each charge was simple and direct. The trial court also correctly determined that appellant's various rape, kidnapping, abduction, and assault offenses were not allied offenses of similar import that merged. Judgment affirmed.

Case Name: *In re S.W., A.W.*  
Case No: Montgomery C.A. No. 29874;  
T.C. Case Nos. C-2023-002004-01; C-2023-002003-01  
Panel: Welbaum, Tucker, Lewis  
Author: Jeffrey M. Welbaum  
Summary: The juvenile court did not abuse its discretion in awarding temporary custody of appellant's children to a children's services agency. The court's decision was supported by competent, credible evidence. Appellant's trial counsel also did not act ineffectively by failing to call appellant's therapist as a witness. This choice was a matter of trial strategy, and appellant's unsubstantiated statement at trial that his therapist would have testified as to his completion of his case plan was irrelevant. Judgments affirmed.