

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
February 9, 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. Quenton Walker*
Case No: Montgomery C.A. No. 29729; T.C. Case No. 2018 CR 04120
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not err in overruling appellant's motion to suppress where the search warrant at issue was supported by probable cause. Appellant's convictions for having weapons while under disability were supported by sufficient evidence and were not against the manifest weight of the evidence. Trial counsel was not ineffective for failing to present a separate closing argument for the bench trial portion of the case after giving a closing argument during the jury trial portion of the case. Trial counsel also was not ineffective in declining to present additional mitigating evidence at sentencing. Finally, the trial court did not err in imposing consecutive sentences. Judgment affirmed.

Case Name: *Tony D. Haught v. City of Kettering Ohio*
Case No.: Montgomery C.A. No. 29864; T.C. Case No. 2023 CV 01184
Panel: Welbaum, Tucker, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in granting summary judgment against appellant, who sought injunctive relief against a municipality. Appellant did not appeal from notices and orders concerning property violations and therefore failed to exhaust his administrative remedies before resorting to the common pleas court. As a result, appellant's claim was precluded. For the same reasons, appellant failed to show a substantial likelihood of success on the merits. Judgment affirmed.

Case Name: *State of Ohio v. Deleshawn Lauderdale*
Case No: Montgomery C.A. No. 29753; T.C. Case No. 2022 CR 02569
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: Appellant's conviction for gross sexual imposition was supported by sufficient evidence. The trial court did not commit plain error by failing to give a curative jury instruction after appellant's mother engaged in disruptive behavior in the gallery and after the victim had an emotional outburst while testifying. Appellant's trial counsel was not ineffective for failing to move for a mistrial or, alternatively, a curative jury instruction after the jury observed the disruptive behavior of appellants' mother and the victim's emotional outburst. The State did not engage in prosecutorial misconduct by referring to the victim's emotional outburst during its closing argument. The trial court did not abuse its discretion by overruling appellant's post-verdict motion for new trial without holding a hearing or reviewing the medical records that were at issue in the motion. Judgment affirmed.

Case Name: *Kimberly McGinnis, et al. v. Dannie D. Conley, et al.*
Case No: Montgomery C.A. No. 29871; T.C. Case No. 2021 CV 03615
Panel: Welbaum, Tucker, Huffman
Author: Michael L. Tucker
Summary: Even assuming that appellees failed to give timely written notice of their exercise of a real-estate purchase option, that failure did not terminate the parties' option-to-purchase agreement. Appellants breached the agreement by declaring the option terminated and by refusing to sell the property to appellees at the agreed price. Although appellees often paid their rent during a five-day grace period and twice paid after the grace period, appellants never declared the lease void and did not purport to terminate the option-to-purchase agreement on the basis of delinquent payments. Appellants waived any argument about the option-to-purchase agreement lacking consideration by failing to raise the issue at trial. Finally, a defective or missing acknowledgement does not affect the validity of a real-estate transaction in the absence of fraud. Judgment affirmed.

Case Name: *Vimal Rajkumari v. Pradeep Damke*
Case No: Montgomery C.A. No. 29812; T.C. Case No. 2023 CV 00631
Panel: Welbaum, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court's denial of appellant's petition for a civil stalking order was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *In re D.P., M.P., A.N.E.R.*
Case No: Greene C.A. Nos. 2023-CA-33; 2023-CA-36; 2023-CA-37; 2023-CA-38, 2023-CA-41
T.C. Case Nos. 2019-C-00043; 2019-C-00044; 2019-C-00045-0C
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The juvenile court's grant of permanent custody to Children Services was supported by sufficient evidence and the weight of the evidence. Judgments affirmed.