

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
April 5, 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. Larry C. Fitch, Jr.*
Case No: Miami C.A. No. 2023-CA-28; T.C. Case No. 23 CR 147
Panel: Epley, Tucker, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in overruling appellant's motion to suppress. Police officers obtained the consent of the homeowner to enter a residence and go upstairs to speak with appellant. The officers did not request permission to search and were familiar with the homeowner, and the circumstances did not cause the officers to doubt the homeowner's authority to authorize entry. The officers relied in good faith on the homeowner's consent to enter. When appellant's girlfriend closed a tarp on a doorway upstairs in a manner that caused officers to be concerned for their safety, a protective sweep was warranted, and drugs were found in plain view. Judgment affirmed.

Case Name: *State of Ohio v. Brian Lloyd*
Case No: Montgomery C.A. No. 29918; T.C. Case No. 2022 CR 03514
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: The trial court did not impermissibly consider factors outside of R.C. 2929.11 and R.C. 2929.12 in sentencing appellant to 18 months in prison. Judgment affirmed.

Case Name: *State of Ohio v. Nicholas Joel Bailey*
Case No: Champaign C.A. No. 2023-CA-27;
T.C. Case Nos. 2019 CR 229; 2021 CR 136
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: Appellant appeals from the trial court's judgments revoking his community control in two cases. In his 2021 case, the revocation judgment did not order him to pay restitution, although restitution was

included in his original judgment of conviction. Appellant's challenge to the validity of the original restitution order is not properly before us in this appeal. Appellant did not raise any assignments with respect to his 2019 case. Judgments affirmed.

Case Name: *In re N.Q.*
Case No: Clark C.A. No. 2023-CA-16; T.C. Case No. 08-JUV-1333
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: Appellant's appeal is moot as the sentence has been served and he has shown no collateral disability or loss of rights as a result of his conviction. Appeal dismissed.

Case Name: *C.D. nka C.A. v. P.O.C.*
Case No: Clark C.A. No. 2023-CA-15; T.C. Case No. 00-JUV-0096
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not abuse its discretion in sentencing appellant to a jail term after he failed to comply with purge conditions related to non-payment of child support. Although appellant was incarcerated at the time of sentencing, appellant had failed to comply with the purge conditions before being incarcerated. Any issue as to the court's failure to award jail-time credit is moot because appellant completed the sentence and no relief is possible. Judgment affirmed.

Case Name: *State of Ohio v. Jesse M. Stinson*
Case No: Montgomery C.A. No. 29925; T.C. Case No. 2013 CR 00237
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err in overruling appellant's untimely and successive motion for new trial and petition for post-conviction relief without holding an evidentiary hearing. The trial court also did not err in overruling appellant's motion to engage in post-conviction discovery. Judgment affirmed.