

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
May 17, 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. Cody D. Conard*
Case No: Miami C.A. No. 2024-CA-1; T.C. Case No. 23CRB3349
Panel: Epley, Tucker, Lewis
Author: Christopher B. Epley
Summary: Appellant did not validly waive his right to counsel before pleading guilty to one count of theft, a petty offense. The remedy for the invalid waiver is to vacate appellant's term of incarceration. Judgment affirmed as modified.

Case Name: *State of Ohio v. Wanda Cobbins*
Case No: Montgomery C.A. No. 29963; T.C. Case No. 23CRB00724
Panel: Epley, Tucker, Lewis
Author: Christopher B. Epley
Summary: Appellant's convictions for assault and disorderly conduct were not against the manifest weight of the evidence. Additionally, the trial court properly rejected appellant's self-defense claim. Judgment affirmed.

Case Name: *State of Ohio v. Patrick J. Flint, Jr.*
Case No: Darke C.A. No. 2023-CA-16; T.C. Case No. 23-CR-00068
Panel: Epley, Tucker, Lewis
Author: Christopher B. Epley
Summary: The trial court did not err when it overruled appellant's Crim.R. 29 motion or when it found him guilty of failure to provide notice of change of address. Appellant registered an invalid address twice, and when he became homeless, he failed to provide written notice that gave a detailed description of the place or places at which he intended to stay. Judgment affirmed.

Case Name: *State of Ohio v. Damarcus Krishon Bunch Guy*
Case No: Montgomery C.A. No. 29920; T.C. Case No. 2023 CR 01840
Panel: Epley, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not completely fail to comply with Crim.R. 11(C)(2)(a), and appellant has not established that he suffered prejudice from the trial court's failure to fully cover nonconstitutional aspects of Crim.R. 11(C)(2)(a) during the plea colloquy. Thus, appellant is not entitled to have his pleas vacated. Judgment affirmed.

Case Name: *James McCloskey v. Linda McCloskey*
Case No: Montgomery C.A. No. 29940; T.C. Case No. 2011 LS 00027
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The domestic relations court erred in failing to clarify an ambiguous term in the divorce decree. The court did not abuse its discretion in denying a motion to hold a third-party defendant (the administrator of the husband's estate) in contempt of court. Judgment affirmed in part, reversed in part, and remanded.

Case Name: *Regeneration Schools of Ohio v. Mangen1, LLC, et al.*
Case No: Montgomery C.A. No. 29870; T.C. Case No. 2022 CV 05172
Panel: Epley, Welbaum, Lewis
Author: Ronald C. Lewis
Summary: The trial court erred in striking appellant's amended third-party complaint as untimely when it was filed within 28 days of appellee's motion to dismiss the original third-party complaint. Judgment reversed and remanded.

Case Name: *State of Ohio v. Alexis Carter*
Case No: Montgomery C.A. No. 29919; T.C. Case No. 2021 CR 02340
Panel: Epley, Tucker, Lewis
Author: Michael L. Tucker
Summary: The trial court did not err in its jury instructions regarding self-defense and defense of another. The instructions accurately stated the law and were unlikely to have confused the jury. Appellant's felonious-assault convictions were not against the weight of the evidence. Based on the evidence presented, the jury reasonably concluded that the State had disproven self-defense and defense of another beyond a reasonable doubt. Judgment affirmed.

Case Name: *State of Ohio v. Jeremy Van Voorhis*
Case No: Montgomery C.A. No. 29844; T.C. Case No. 2022 CR 02415
Panel: Epley, Tucker, Lewis
Author: Michael L. Tucker
Summary: Appellant's conviction for murder was not against the weight of the evidence. The evidence supported a finding beyond a reasonable doubt that appellant did not act in self defense when he shot and killed the victim. The trial court did not err in denying a mistrial based on the State's introduction of suppressed evidence; the State properly used the evidence when cross-examining appellant to impeach his trial testimony. The trial court properly denied appellant's request for a voluntary-manslaughter instruction where the evidence did not support a finding that his shooting of the victim was attributable to sudden passion or a fit of rage. Judgment affirmed.

OPINION RENDERED ON MAY 16, 2024

Case Name: *In the Matter of The Adoption of: F.F.L.*
Case No: Greene C.A. No. 2023-CA-61; T.C. Case No. 11414AD
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: The probate court did not err in finding that petitioners-appellants failed to prove by clear and convincing evidence that the putative father's consent to an adoption was not required. Judgment affirmed.