

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
May 31, 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. Sarah Bierma*
Case No: Montgomery C.A. No. 29912; T.C. Case No. 2021 CR 02094
Panel: Epley, Welbaum, Tucker
Author: Jeffrey M. Welbaum
Summary: Appellant's aggravated burglary and felony murder offenses were dissimilar in import because they resulted in separate, identifiable harms and were also committed separately. Accordingly, those offenses were not allied offenses that should have been merged at sentencing. The trial court's conclusion that the State had satisfied its burden to disprove appellant's self-defense claim beyond a reasonable doubt was not against the manifest weight of the evidence. Judgment affirmed. (Tucker, J., concurring.)

Case Name: *John McManus, as Treasurer of Montgomery County, Ohio v. Charles Stump, et al.*
Case No: Montgomery C.A. No. 30041; T.C. Case No. 2023 CV 3060
Panel: Welbaum, Tucker, Huffman
Author: Mary K. Huffman
Summary: Appellants failed to challenge the validity of the trial court's foreclosure order, instead asking to be permitted to redeem the foreclosed property. Because a foreclosure order is final and appealable and is separate from confirmation proceedings, there is no basis for reversing the judgment of the trial court. Judgment affirmed.

Case Name: *In the Matter of the Adoption of O.S.R.*
Case No: Darke C.A. No. 2024-CA-2; T.C. Case No. 23-5-007
Panel: Welbaum, Tucker, Huffman
Author: Mary K. Huffman
Summary: The trial court did not abuse its discretion in concluding that adoption petitioners, the child's maternal aunt and uncle, failed to establish by clear and convincing evidence that the child's father had failed to

have more than de minimis contact with the child or to provide for the maintenance and support of the child for the relevant period of time. Therefore, the trial court reasonably concluded that father's consent to the adoption was required. Judgment affirmed.

Case Name: *State of Ohio v. Barnard M. Jackson*
Case No: Montgomery C.A. No. 29944; T.C. Case No. 2020 CR 01064
Panel: Epley, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court lacked jurisdiction to consider appellant's successive petition for postconviction relief because appellant failed to satisfy the jurisdictional requirements of R.C. 2953.23(A). Judgment affirmed.

Case Name: *State of Ohio v. Courtney Litteral*
Case No: Clark C.A. Nos. 2022-CA-80; 2022-CA-81;
T.C. Case Nos. 21-CR-0407; 20-CR-0704
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court committed plain error in its calculation of jail-time credit in two cases. The judgments of conviction are reversed only as to the jail-time credit calculations and remanded for the trial court to 1) issue nunc pro tunc judgment entries that credit appellant with proper amounts of jail-time credit and 2) notify the appropriate prison officials of the nunc pro tunc judgment entries. In all other respects, judgments affirmed.