

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**June 14, 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: *In the Matter of the Adoption of B.M.M.*  
Case No: Champaign C.A. No. 2024-CA-5; T.C. Case No. 2023 AD 11  
Panel: Welbaum, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: Putative father did not register with the putative father registry or otherwise establish a legal relationship with the child prior to petitioner-appellant's filing of a petition for adoption. Although putative father's paternity was subsequently established by DNA testing, he had not attained the status of one whose consent to the adoption was required at the time the petition was filed. The trial court erred in concluding that the contact and support provisions of R.C. 3107.07(A) applied to putative father. Petitioner established by clear and convincing evidence that putative father's consent to the adoption was not required. Judgment reversed and remanded.

Case Name: *State of Ohio v. Brandon Joseph Dzekunskas*  
Case No: Greene C.A. No. 2023-CA-69; T.C. Case No. 23 CRB 00869  
Panel: Epley, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: Appellant's conviction for domestic violence was not against the manifest weight of the evidence; his mother testified that he pushed her onto her bed, struck her with a closed fist, and briefly put his hands around her neck. Judgment affirmed.

Case Name: *State of Ohio v. Robert D. Apple*  
Case No: Darke C.A. No. 2023-CA-21; T.C. Case No. 22-CR-00290  
Panel: Welbaum, Tucker, Huffman  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not err by failing to suppress firearms and methamphetamine found in a locked safe by probation officers during a probationer search. The search in question was authorized under R.C. 2951.02(A)(1)(a), which is a valid statute that meets the

Fourth Amendment's reasonableness requirement. Accordingly, the search of the safe was reasonable under of the Fourth Amendment, and suppression of the evidence found therein was not required. Judgment affirmed.

Case Name: *R.L.R. Investments LLC v. Cross Street Partners LLC*  
Case No: Montgomery C.A. No. 30034; T.C. Case No. 2023 CV 04657  
Panel: Welbaum, Tucker, Huffman  
Author: Michael L. Tucker  
Summary: The trial court erred in granting defendant-appellee a preliminary injunction to prevent plaintiff-appellant from arbitrating against a third party. Defendant, an agent performing construction work on behalf of its principal, lacked standing to enjoin plaintiff from arbitrating against the principal. Judgment reversed; preliminary injunction dissolved.

Case Name: *State of Ohio v. Elizabeth Olson-Graf*  
Case No: Montgomery C.A. No. 29988; T.C. Case No. 2023 CR 00771  
Panel: Welbaum, Tucker, Huffman  
Author: Michael L. Tucker  
Summary: Appellant pleaded guilty to violating a protection order by committing a felony, telecommunications harassment, and violating a protection order. Appellant's argument that her guilty pleas were not knowing, intelligent, and voluntary is without merit. But the trial court erred by failing to merge the three counts as allied offenses of similar import, which the State concedes. Judgment affirmed in part, and reversed in part, and remanded.

Case Name: *State of Ohio v. Brian E. Mason*  
Case No: Miami C.A. No. 2023-CA-27; T.C. Case No. 23CR139  
Panel: Welbaum, Tucker, Huffman  
Author: Michael L. Tucker  
Summary: Appellant was convicted of reckless homicide with a firearm specification; he was sentenced to a mandatory three-year prison term on the firearm specification to be served prior and consecutive to a 36-month "mandatory" prison term on the reckless homicide. Although the trial court was required to impose a prison term on the reckless homicide because of the firearm specification, the sentence on the reckless homicide was not otherwise a statutorily-mandated prison sentence. Thus, the trial court erred by designating the reckless homicide prison sentence as a mandatory sentence, which would preclude appellant's consideration for judicial release and other potential sentence reductions. The trial court did not err by overruling appellant's Crim.R. 29 motion for acquittal of the reckless homicide; the evidence was sufficient to support the conviction. The trial court did not abuse its discretion by admitting into evidence

several autopsy photographs used by a pathologist during her testimony regarding the cause of the victim's death. Judgment affirmed in part, reversed in part, and remanded for resentencing.

**OPINION AND FINAL ENTRY RELEASED ON JUNE 7, 2024**

Case Name: *State of Ohio v. Asia A. Knott*  
Case No: Clark C.A. No. 2023-CA-54; T.C. Case No. 21-CR-698(A)  
Panel: Welbaum, Lewis, Huffman  
Author: Jeffrey M. Welbaum  
Summary: The trial court erred by failing to dismiss appellant's aggravated trafficking in drugs charge on grounds that her statutory right to a speedy trial was violated. Judgment vacated.