

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
June 28, 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. Edward Paul Cornelison*
Case No: Champaign C.A. No. 2023-CA-36; T.C. Case No. 2023 CR 119
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: Appellant failed to demonstrate that the findings on which the trial court based its imposition of consecutive sentences were clearly and convincingly not supported by the record. Judgment affirmed.

Case Name: *State of Ohio v. D'Andre McElrath*
Case No: Clark C.A. No. 2023-CA-45; T.C. Case No. 22-CR-0365(D)
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: The record does not clearly and convincingly fail to support the trial court's consecutive-sentence findings. Appellant's professed lack of awareness about the potential for consecutive sentences did not invalidate his guilty plea. Defense counsel did not provide ineffective assistance at sentencing by failing to address the statutory consecutive-sentencing factors. Judgment affirmed.

Case Name: *[K.W.] v. [D.O.]*
Case No: Montgomery C.A. No. 30094; T.C. Case No. 2024 CV 01251
Panel: Welbaum, Lewis, Huffman
Author: Mary K. Huffman
Summary: Appellant failed to file objections to the magistrate's decision granting a civil stalking protection order against her. As such, she cannot challenge the order on appeal. Judgment affirmed.

Case Name: *State of Ohio v. Jason Weprin*
Case No: Montgomery C.A. No. 29979; T.C. Case No. 2022 CR 01579
Panel: Epley, Tucker, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in overruling appellant's motion to suppress. The judge who issued the search warrant had a substantial basis for finding probable cause that evidence of a crime would be found at appellant's home. The search warrant affiant did not intentionally or recklessly omit pertinent information from his affidavit. Even if a prior recantation by the victim in an earlier case against appellant had been included in the affidavit, that information was not exculpatory and would not have altered the finding of probable cause, because lengthy and detailed allegations were made in this case which were not recanted. The State concedes that the trial court failed to properly advise appellant of Reagan Tokes Act notifications and failed to properly advise appellant regarding post-release control at sentencing. Judgment reversed in part and remanded for resentencing consistent with this opinion; judgment affirmed in all other respects.

Case Name: *[D.B.] v. [J.P.]*
Case No: Montgomery C.A. No. 30063; T.C. Case No. 2024 CV 00629
Panel: Epley, Tucker, Huffman
Author: Mary K. Huffman
Summary: Appellant failed to file objections to the trial court's adoption of the magistrate's decision granting appellee's petition for a civil stalking protection order before filing this appeal, as required by Civ.R. 65.1(G). Accordingly, appellant may not appeal from the trial court's judgment. Judgment affirmed.

Case Name: *State of Ohio v. Ashley Renee Johnson*
Case No: Greene C.A. No. 2023-CA-50; T.C. Case No. 23 CRB 00130
Panel: Epley, Tucker, Lewis
Author: Christopher B. Epley
Summary: Appellant's guilty verdict was supported by sufficient evidence and was not against the manifest weight of the evidence. The evidence showed that appellant and the victim lived together and that appellant struck the victim, causing physical harm. The trial court did not abuse its discretion when it permitted a witness to testify as to what a five-year-old child said shortly after the incident, as it was an excited utterance. Judgment affirmed.

DECISION AND FINAL JUDGMENT ENTRY RELEASED ON JUNE 20, 2024

Case Name: *State of Ohio ex rel. Clark-Shawnee Local School District Bd. of Edn. v. City of Springfield*
Case No. Clark C.A. No. 2024-CA-9
Panel: Epley, Lewis, Huffman
Author: Per Curiam
Summary: Relator's mandamus claim is moot because respondent has provided all records that are the subject of its public records request. Relator is entitled to statutory damages because respondent unreasonably delayed its response to the request. Relator did not demonstrate that respondent acted in bad faith. Attorney fees and court costs denied. Writ denied.