

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
July 19, 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. Brad A. Stewart*
Case No: Greene C.A. No. 2023-CA-47; T.C. Case No. 2022 CR 0240
Panel: Epley, Tucker, Huffman
Author: Mary K. Huffman
Summary: A jury reasonably concluded that appellant acted purposely, with prior calculation and design, in shooting the victim. Appellant had threatened to harm or shoot someone on Snapchat a few days prior to the shooting and told another person that he intended to hurt the victim on the night of the shooting. Then, after his gun initially misfired, appellant shot the unarmed victim at close range while the victim attempted to evade appellant and had no means of escape. Appellant's conviction for aggravated murder was supported by sufficient evidence. Judgment affirmed.

Case Name: *State of Ohio v. Julia A. Dumas*
Case No: Montgomery C.A. No. 30014; T.C. Case No. 23CRB01433
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: The trial court erred in accepting appellant's guilty plea to disorderly conduct when she was not first informed of the effect of her plea. Judgment reversed and remanded.

Case Name: *State of Ohio v. Traci Deanne Elizabeth Ford*
Case No: Greene C.A. No. 2024-CA-1; T.C. Case No. 23 CRB 01230
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: By failing to raise the issue of her ability to pay financial sanctions in the trial court, appellant has waived the issue on appeal. Judgment affirmed.

Case Name: *Westfield Insurance v. Chapel Electric Co. LLC et al.*
Case No: Montgomery C.A. No. 29956; T.C. Case No. 2019 CV 04160
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: Appellee, an insurer, brought a contribution claim against appellant, an electrical contractor, after it settled a wrongful death case. The trial court correctly denied appellant's summary judgment motion, which alleged that the statute of limitations for filing the contribution claim had expired. Appellee's contribution action was filed within one year after probate court approval and payment to the wrongful death beneficiaries and was timely under R.C. 2307.26(B). The trial court also did not err in denying summary judgment on claims that appellee was a volunteer in paying the settlement, that appellant had no duty to the decedent, and that appellant's actions did not proximately cause the death. These matters involved genuine issues of material fact and were proper for the jury to resolve. In addition, the trial court did not abuse its discretion in admitting a copy of the release appellant obtained, as it was properly authenticated. The court further did not err in denying appellant's motion for judgment notwithstanding the verdict and for a new trial. Again, the issues of duty and proximate cause were for the jury to resolve. Moreover, contrary to appellant's contention, appellee presented admissible evidence of non-economic damages. There was also no error in admitting evidence about the probate court proceeding and no evidence that the jury was inflamed or confused. Finally, the judgment was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *Holly M. Doss v. Joseph H. Doss*
Case No: Champaign C.A. No. 2023-CA-22; T.C. Case No. 2018 DR 78
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: Following a divorce hearing and the issuance of a divorce decree, the trial court did not abuse its discretion in granting husband a new trial on attorney-fee and parenting-time issues. The trial court also did not abuse its discretion in granting wife Civ.R. 60(A) relief to correct a clerical error in the divorce decree. Finally, awarding legal custody of the parties' children to wife was not error, and the record supported a finding that money husband received to purchase and maintain commercial real estate during the marriage was a marital gift. Judgment granting a partial new trial affirmed. Judgment entry and decree of divorce affirmed subject to the new trial on attorney-fee and parenting-time issues.

Case Name: *State of Ohio v. Marti Danielle Philpot*
Case No: Champaign C.A. No. 2023-CA-35;
T.C. Case Nos. 2022 CR 013; 2023 CR 081
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: Appellant pled guilty to various counts in two cases. The trial court ordered that the prison sentences imposed in each case be served concurrently but that the sentence in the first case be served consecutively to the sentence in the second case. The trial court made the required consecutive sentencing findings, and the findings were not clearly and convincingly unsupported by the record. Judgments affirmed.

Case Name: *Mathias H. Heck, Jr. v. Peter J. Atakpu*
Case No: Montgomery C.A. No. 30009; T.C. Case No. 2023 CV 03636
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err in entering summary judgment in favor of the State on its complaint alleging that defendant-appellant was a vexatious litigator. Judgment affirmed.