

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
July 7, 2023

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. Dallas L. Bartley*
Case No: Champaign C.A. No. 2022-CA-28; T.C. Case No. 2022 CR 139
Panel: Tucker, Epley, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err by imposing a 12-month sentence on appellant, as the sentence was not contrary to law. Judgment affirmed.

Case Name: *State of Ohio v. Binali Dadayev*
Case No: Montgomery C.A. No. 29492; T.C. Case No. 21CRB927
Panel: Tucker, Epley, Huffman
Author: Christopher B. Epley
Summary: The trial court did not abuse its discretion in failing to give a jury instruction on entrapment. Judgment affirmed.

Case Name: *State of Ohio v. Mayan Shah*
Case No: Montgomery Appeal No. 29685; T.C. Case No. 2012 CRB 7728
Panel: Tucker, Epley, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err by overruling appellant's motion to vacate, as the matter was barred by res judicata. Judgment affirmed.

Case Name: *In re E.B.*
Case No: Darke C.A. No. 2022-CA-10; T.C. Case No. 22030029
Panel: Tucker, Epley, Lewis
Author: Christopher B. Epley
Summary: The trial court did not abuse its discretion when it awarded permanent custody of the minor child to Children Services. The child had been in the agency's temporary custody for 12 or more months of a consecutive 22-month period, and awarding the agency permanent custody was in the best interest of the child. Mother's constitutional rights were not violated when the trial court did not grant a continuance and made several adverse evidentiary rulings. Judgment affirmed.

Case Name: *State of Ohio v. Joseph Vaughan*
Case No: Greene C.A. No. 2022-CA-58; T.C. Case No. 2020CR0769
Panel: Tucker, Epley, Huffman
Author: Michael L. Tucker
Summary: Appellant's appeal from the trial court's judgment finding him in violation of his community control, ordering him to serve 55 days of a previously suspended 180-day jail sentence, and continuing him on community control is moot. Even if appellant's challenge to the violations at issue had merit, he would remain on pre-existing community control, which the trial court did not revoke. The only aspect of the judgment on appeal impacted by the violations the trial court found was its imposition of a jail term that the appellant has completed. Appeal dismissed as moot.

Case Name: *State of Ohio v. Joshua Thompson*
Case No: Clark C.A. No. 2022-CA-87; T.C. Case No. 21-CR-0408(G)
Panel: Tucker, Epley, Huffman
Author: Mary K. Huffman
Summary: The trial court did not abuse its discretion in overruling appellant's petition for postconviction relief without a hearing. It was within the trial court's discretion to discredit the affidavits of appellant and his father, which stated that appellant's pleas had not been knowing, intelligent and voluntary due to counsel's alleged failure to advise appellant regarding the evidence against him. The court complied with Crim.R. 11 in accepting appellant's pleas. Judgment affirmed.