

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**September 1, 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. Lyneshia J. Edmonds*  
Case No: Montgomery C.A. No. 29625; T.C. Case No. 2022 CR 01227  
Panel: Welbaum, Tucker, Epley  
Author: Michael L. Tucker  
Summary: The State's request that this court reconsider and overrule *State v. Roberts*, 2d Dist. Montgomery No. 26431, 2015-Ohio-2716, is denied. The legal reasoning underlying *Roberts* is not untenable. Judgment affirmed.

Case Name: *State of Ohio v. Sir Dewayne Stapleton*  
Case No: Montgomery C.A. No. 29736; T.C. Case No. 2022 CR 01204/2  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: The trial court did not err in denying appellant's motion to suppress the statements he made to the police. Appellant's waiver of his *Miranda* rights was knowing, intelligent, and voluntary. Appellant's claim that his trial counsel was ineffective for failing to seek a competency evaluation relies on evidence outside the record and is not cognizable on direct appeal. Judgment affirmed.

Case Name: *Ja-Nelle Gilliland v. Mark R. Adams*  
Case No: Montgomery C.A. No. 29732; T.C. Case No. 2022 CV 00845  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: There was a genuine issue of material fact as to whether appellant was denied the full enjoyment of a bank because of sexual harassment by a bank employee. Judgment reversed and remanded.

Case Name: *In re H.U.J. & H.A.E*  
Case No: Montgomery C.A. No. 29745; T.C. Case Nos. G-2020-001230-0M,0P; G-2020-001231-0O,0R  
Panel: Welbaum, Lewis, Huffman  
Author: Ronald C. Lewis  
Summary: The juvenile court did not abuse its discretion in denying Mother's motion to modify visitation. Judgment affirmed.

### **ORDER RENDERED AUGUST 17, 2023**

Case Name: *Rob England, in his capacity as Chief Bldg. Official v. 116 West Main LLC*  
Case No. Miami C.A. Nos. 2023-CA-19, 2023-CA-22  
Panel: Tucker, Epley, Lewis  
Author: Per Curiam  
Summary: The status order appealed from is a final, appealable order under R.C. 2505.04(B)(4) to the extent that it is a preliminary injunction requiring the owner of the Tavern Building in downtown Troy "to take whatever steps necessary to shore-up the exterior brick wall on the north side of the third floor of the Tavern Building." The preliminary injunction alters the status quo and the Tavern Building's owner may not recover the potentially significant expense of complying with the injunction if it later is determined to be improvidently granted. The status order is not final to the extent that it enjoins the immediate demolition of the Tavern Building and announces the trial court's intention to appoint an expert witness to evaluate the condition of the Tavern Building at the parties' expense. This court's July 5, 2023, and July 24, 2023, show cause orders are satisfied.