

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
June 9, 2023

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Case Name: *State of Ohio v. Jeffery Lee Wishon*
Case No: Montgomery C.A. No. 29664; T.C. Case No. 2021 CR 03252
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court did not err in overruling appellant's motion to suppress evidence. The officers had reasonable articulable suspicion to lawfully detain appellant and used no more force than was reasonably necessary under the totality of the circumstances. Judgment affirmed.

Case Name: *State of Ohio v. Allyssa Ann Stickney*
Case No: Champaign C.A. No. 2022-CA-20;
T.C. Case Nos. 2022 CR 082; 2022 CR 199
Panel: Welbaum, Tucker, Epley
Author: Jeffrey M. Welbaum
Summary: The trial court did not err by imposing consecutive prison sentences as we do not clearly and convincingly find that the evidence in the record does not support the trial court's consecutive-sentence findings. Judgments affirmed.

Case Name: *Jequan Curry v. Tony Bettison*
Case No: Montgomery C.A. No. 29662; T.C. Case No. 2022 CV 03319
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: Appellant is not permitted to challenge the issuance of a civil stalking protection order because he failed to object to the decision before filing this appeal, as is required by Civ.R. 65.1(G). Appellant's alleged errors may also not be considered under the plain error doctrine because Civ.R. 65.1, unlike Civ.R. 53(D)(3)(b)(iv), does not provide for plain error review where a party fails to object to a decision in the trial court. Judgment affirmed.

Case Name: *State of Ohio v. Kathy L. Fox*
Case No: Champaign C.A. No. 2023-CA-5; T.C. Case No. 22TRC778
Panel: Welbaum, Tucker, Epley
Author: Jeffrey M. Welbaum
Summary: Appellant's conviction for operating a vehicle under the influence in violation of Saint Paris Ordinance 73.01(A)(1) was not supported by sufficient evidence, because the State failed to establish that she had been within the Village of Saint Paris at the time she operated her vehicle under the influence of drugs. Judgment vacated.

Case Name: *In the Matter of: G.D.*
Case No: Champaign C.A. No. 2022-CA-18; T.C. Case No. 2020 JC 16
Panel: Welbaum, Tucker, Epley
Author: Michael L. Tucker
Summary: A two-year-old child's great-grandparents and foster parents both sought legal custody of the child, who had been adjudicated abused, neglected, and dependent. The juvenile court did not abuse its discretion when it concluded that granting legal custody to the foster parents was in the child's best interest. Although the great-grandparents' familial status was relevant, the juvenile court did not have to give it special consideration in making its best interest determination. The foster mother, a nurse, testified over objection about medications great-grandmother had been prescribed, but there was no indication in the court's decision that it relied upon this testimony in making the custody determination. And, even if the admission of the testimony were error, it was harmless because great-grandmother also testified about the medications she had been prescribed. Although the juvenile court stated in its judgment that it "believes" great-grandparents "were a last resort for kinship placement" because a children services agency "can lose funding if they do not place a child with relatives" (an apparent reference to 42 U.S.C. 671(a)(19), which links a State's receipt of federal funds to a preference for custodial placement with a relative), this issue did not affect the court's best interest determination. Finally, the juvenile court did not err in its interpretation of the guardian ad litem's testimony. Judgment affirmed.