

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
October 11, 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. Javalen L. Wolfe*
Case No: Montgomery C.A. No. 30159; T.C. Case No. 1993 CR 00556
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not err in denying appellant's application to seal/expunge the record of his dismissed original murder indictment without a hearing. Judgment affirmed.

Case Name: *State of Ohio v. Alexis Powell*
Case No: Montgomery C.A. No. 30053; T.C. Case No. 23-CRB-1744
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in overruling appellant's motion to dismiss a criminal charge of violating a protection order. The order was valid when the violation occurred. The domestic relations court had subject matter jurisdiction over the matter; therefore, its order was not void ab initio. Although the court later vacated the protection order upon learning that the parties were not family or household members, this fact did not affect the court's authority to issue the order. During the time the protection order was in effect, appellant was required to obey it and failed to do so. As a result, appellant was properly found guilty of violating the order. Judgment affirmed.

Case Name: *State of Ohio v. Tabitha Adams*
Case No: Clark C.A. No. 2023-CA-70; T.C. Case No. 23-CR-0161(A)
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: The record does not reflect that trial counsel's "limited" advocacy at sentencing constituted ineffective assistance of counsel. As conceded by the State, the trial court failed in its obligation to advise appellant at the sentencing hearing of the potential consequences of a violation of post-release control. Judgment reversed in part and

remanded for resentencing on post-release control only; in all other respects, judgment affirmed.

Case Name: *In re Adoption of Z.R.B.*
Case No: Montgomery C.A. No. 30006; T.C. Case No. 2023 ADP 00048
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court reasonably concluded that Father's consent to Stepfather's adoption of Father's biological child was not required because, in the year before the adoption petition was filed, Father failed, without justifiable cause, to have more than de minimis contact with the child and to provide maintenance and support for the child. The court's conclusion was supported by the weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Alice Wood*
Case No: Montgomery C.A. No. 29887; T.C. Case No. 22-TRD-3833
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in ordering restitution in the amount of an estimate to repair damage to a vehicle caused by appellant in a collision, where there was no evidence to suggest that the cost of the repairs exceeded the value of the victim's vehicle before the collision. Judgment affirmed.

Case Name: *State of Ohio v. Rick T. Fader*
Case No: Darke C.A. No. 2024-CA-1; T.C. Case No. 23-CRB-001-0418
Panel: Epley, Welbaum, Tucker
Author: Christopher B. Epley
Summary: The trial court erred by not defining the terms "reasonable doubt" and "beyond a reasonable doubt" in its jury instructions, as required by R.C. 2901.05(C). Judgment reversed and remanded.

Case Name: *State of Ohio v. Robert Lamar Woodruff*
Case No: Clark C.A. No. 2024-CA-11; T.C. Case No. 22 CR 0503
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: Appellant's convictions for kidnapping (with a firearm specification), having a weapon while under disability, and domestic violence were based on sufficient evidence and were not against the manifest weight of the evidence. Judgment affirmed.