

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
October 18, 2024

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Case Name: *State of Ohio v. Dana Parks*
Case No: Montgomery C.A. No. 30049; T.C. Case No. 2021 CR 03098/1
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: Appellant's conviction for attempted arson was supported by sufficient evidence. The trial court did not commit plain error in admitting alleged gruesome photos, which aided in proving the charges. Appellant's trial counsel did not act ineffectively in failing to ask for a mistrial based on an outside party's communication with a juror; the trial court properly held a hearing and found that the juror could be impartial. Given this fact and the overwhelming evidence against appellant, there was no basis for a mistrial. The trial court did not err in ordering a minimal amount of restitution, and its consideration of appellant's ability to pay can be inferred from the circumstances. R.C. 2929.14(B)(1)(g) does not violate double jeopardy protections by allowing sentence to be imposed on a firearm specification that was part of a merged offense; the Supreme Court of Ohio found this sanction permissible in *State v. Bollar*, 2022-Ohio-4370. Finally, the trial court did not err in admitting evidence pertaining to a bullet casing found at appellant's home and a box of bullets found on a neighbor's roof. These items were consistent with the bullet found in the victim's body and were relevant to the charge of tampering with evidence. Judgment affirmed.

Case Name: *In re E.G. and A.G.*
Case No: Miami C.A. No. 2024-CA-14; T.C. Case Nos. 21230550; 21230551
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err in awarding appellee Paternal Grandmother legal custody of appellant Father's two minor children. Judgment affirmed.

Case Name: *State of Ohio v. Jill Deanne Kinney, aka Jill D. Scott, aka Jill Manville*
Case No: Champaign C.A. No. 2024-CA-7; T.C. Case No. 2023 CR 113
Panel: Epley, Welbaum, Tucker
Author: Michael L. Tucker
Summary: Appellant was granted intervention in lieu of conviction (ILC) following her conditional guilty plea to aggravated possession of drugs. The State later sought revocation of ILC because appellant had violated certain ILC conditions. At the revocation hearing, appellant admitted the violation, and the trial court revoked ILC and sentenced her to community control sanctions. The record does not reflect that counsel provided ineffective assistance of counsel at the revocation hearing. Judgment affirmed.

Case Name: *State of Ohio v. Adam D. Rupert*
Case No: Greene C.A. No. 2024-CA-18; T.C. Case No. 23 CRB 01409
Panel: Epley, Welbaum, Tucker
Author: Christopher B. Epley
Summary: Appellant's conviction for possessing drug abuse instruments was supported by insufficient evidence and against the manifest weight of the evidence, because there was no evidence that he administered, used, or prepared a dangerous drug. Judgment vacated.

Case Name: *State of Ohio v. Willie Weaver*
Case No: Montgomery C.A. No. 30145; T.C. Case No. 2023-TRC-757
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: State's appeal. Appellee did not waive the issue of whether the police officer had reasonable, articulable suspicion to conduct field sobriety tests. The trial court erred in concluding that the officer did not have reasonable, articulable suspicion to extend the length of the traffic stop to perform field sobriety tests and in suppressing all resulting evidence. The trial court erred in suppressing the results of appellee's urinalysis on the basis that the State had failed to substantially comply with Ohio Adm.Code 3701-53-06(F). Judgment reversed and remanded.