

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**October 4, 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: *Nicholas P. Christoff v. American Airlines, Inc.*  
Case No: Montgomery C.A. No. 30161; T.C. Case No. 2023 CVI 4622  
Panel: Epley, Lewis, Huffman  
Author: Christopher B. Epley  
Summary: Appellant failed to file a transcript when he objected to the magistrate's decision granting judgment to appellee in his small claims action. As such, we cannot conclude that the trial court erred in overruling appellant's objections and entering judgment in favor of appellee. Judgment affirmed.

Case Name: *State of Ohio v. Aric Demar Ringer*  
Case No: Montgomery C.A. No. 30062; T.C. Case No. 2023 CR 01665  
Panel: Epley, Lewis Huffman  
Author: Ronald C. Lewis  
Summary: The trial court did not abuse its discretion in denying appellant's motion to withdraw his guilty plea. Appellant failed to demonstrate ineffective assistance of trial counsel. Judgment affirmed.

Case Name: *State of Ohio v. James Brown*  
Case No: Miami C.A. No. 2024-CA-7; T.C. Case No. 2023 TRD 07057  
Panel: Welbaum, Tucker, Lewis  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not err in finding appellant guilty of operating a motor vehicle without a valid driver's license. Appellant claimed he was not required to have a driver's license because he was an "unfranchised common law free man," another name for a "sovereign citizen" claim. However, Ohio courts have repeatedly found these types of claims frivolous, and that applies here. Judgment affirmed.

Case Name: *State of Ohio v. Dereal Lamont Wells*  
Case No: Clark C.A. No. 2023-CA-41;  
T.C. Case Nos. 22-CR-278; 22-CR-470  
Panel: Welbaum, Tucker, Lewis  
Author: Michael L. Tucker  
Summary: The trial court did not err by overruling appellant's motion to suppress the results of gunshot residue testing conducted upon appellant's clothing after he was arrested. The trial court acted within its discretion by overruling appellant's request in the middle of trial for a competency hearing and evaluation. Appellant's convictions for felonious assault, domestic violence, having a weapon under disability, and tampering with evidence were supported by sufficient evidence and were not against the manifest weight of the evidence. The trial court did not commit any sentencing errors. Judgments affirmed.

Case Name: *Century 21 v. Teresa O'Malley, et al.*  
Case No: Montgomery C.A. No. 30019; T.C. Case No. 2023 CVG 01272 E  
Panel: Welbaum, Tucker, Lewis  
Author: Michael L. Tucker  
Summary: In a forcible entry and detainer action, the trial court granted restitution of the premises to appellee after appellant failed to appear at the hearing. Appellant did not obtain a stay and has been removed from the premises. Thus, the appeal is moot, and the record establishes no "great public interest or general interest" exception to the mootness doctrine. Appeal dismissed.

Case Name: *State of Ohio v. Julius Harbut*  
Case No: Clark C.A. No. 2024-CA-14; T.C. Case No. 23-CR-0636  
Panel: Epley, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: Appellant's convictions for having weapons while under disability and tampering with evidence were supported by sufficient evidence and were not against the manifest weight of the evidence. Prosecutor's comments during closing argument were not improper and did not affect the outcome of the case. Appellant's right to allocution was not violated by the prosecutor's remark at sentencing about an admission appellant made in phone calls from the jail, because appellant had previously made the same admission himself at the sentencing hearing, and the remark did not affect the sentence imposed. Jail-time credit was not properly imposed. Because the jury made no finding with respect to forfeiture of a weapon, the trial court improperly ordered that the weapon be forfeited to the State. Judgment reversed with respect to jail-time credit only and remanded for the trial court to calculate jail time-credit. The order of forfeiture is vacated. In all other respects, judgment affirmed.