

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**November 15, 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: *Grand Voiture d'Ohio Societe des 40 et 8 v. Montgomery Cty. Voiture No. 34 la Societe 40 et 8, et al.*  
Case No: Montgomery C.A. No. 30056; T.C. Case No. 2018 CV 01457  
Panel: Welbaum, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not err in holding appellant in contempt of court and ordering him to pay appellee's attorney's fees after he violated the court's permanent injunction and subsequent orders. The trial court did not abuse its discretion in denying appellant's meritless motions for sanctions without a hearing. Judgments affirmed.

Case Name: *State of Ohio v. Rahsaan O. Reed*  
Case No: Montgomery C.A. Nos. 30075; 30076; T.C. Case No. 2001 CR 04126  
Panel: Welbaum, Tucker, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not abuse its discretion in overruling appellant's application for post-conviction DNA testing pursuant to R.C. Chapter 2953 because it determined that the testing would not be outcome determinative. However, the trial court abused its discretion by overruling appellant's request to conduct DNA testing at his own expense based solely on his failure to satisfy the outcome determinative test. R.C. 2953.84 states that R.C. 2953.71 through R.C. 2953.81, which contain the outcome determinative test, "do not limit or affect any other means by which an offender may obtain postconviction DNA testing." Judgment affirmed in C.A. No. 30075; judgment reversed and remanded in C.A. No. 30076.

Case Name: *State of Ohio v. Kierstan Reed*  
Case No: Clark C.A. No. 2023-CA-69; T.C. Case No. 22-CR-481  
Panel: Epley, Welbaum, Tucker  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not err in refusing to instruct the jury on self-defense, because appellant failed to meet her burden of providing legally sufficient evidence that she had acted in self-defense. Appellant's felonious assault conviction was supported by sufficient evidence and was not against the manifest weight of the evidence. The State did not commit prosecutorial misconduct. Judgment affirmed.

Case Name: *State of Ohio v. Jonathan R. Graham*  
Case No: Montgomery C.A. No. 30081; T.C. Case No. 2021 CR 01598  
Panel: Epley, Welbaum, Tucker  
Author: Michael L. Tucker  
Summary: Appellant's conviction of endangering children was supported by sufficient evidence and was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Tchanavian J. Cantrell*  
Case No: Greene C.A. No. 2023-CA-65; T.C. Case No. 2021CR0664  
Panel: Welbaum, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: The trial court did not err in denying appellant's motion for a continuance three days before trial, as appellant had previously been advised by the court that no further continuances would be granted. Appellant's conviction for endangering children was supported by sufficient evidence and was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *Larry Garber v. Ohio Mutual Ins. Co.*  
Case No: Darke C.A. No. 2024-CA-10; T.C. Case No. 23CV00363  
Panel: Epley, Lewis Huffman  
Author: Mary K. Huffman  
Summary: The trial court did not err in finding that the driver of a borrowed tractor on a public roadway was not an "insured" under a farm owner's policy of insurance, as the driver was not performing "domestic duties" relating to the "insured premises" or performing duties "as an employee of an insured, or for the benefit of the insured." Additionally, the policy's "incidental coverage" provision did not offer reinstatement of coverage to the motorized vehicle exclusion, because the incident occurred on a public roadway, not on the "insured premises." Summary judgment was properly granted in favor of the insurance company. Judgment affirmed.

Case Name: *State of Ohio v. John J. Carson*  
Case No: Montgomery C.A. No. 30115; T.C. Case No. 2023 CRB 00715E  
Panel: Welbaum, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: The trial court did not err in ordering restitution in an amount that exceeded the damages identified in the criminal complaint, because the damages were a direct and proximate result of appellant's criminal damaging offense and the amount did not exceed the amount of actual damages caused by the offense. Judgment affirmed.

Case Name: *State of Ohio v. Jeremiah Bayman*  
Case No: Darke C.A. No. 2023-CA-31; T.C. Case No. 22-CR-00074  
Panel: Epley, Lewis, Huffman  
Author: Christopher B. Epley  
Summary: The trial court did not err in denying appellant's motion to suppress. The deputy lawfully stopped the vehicle in which appellant was a passenger, and the stop was not unlawfully extended for the deputy to walk his canine partner around the vehicle. The trial court did not err in denying appellant's motion to dismiss based on the destruction of the cruiser video. Although the trial court should have held a competency hearing when the issue was raised before trial, any error in failing to hold a hearing was harmless. Judgment affirmed.