

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
November 8, 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. Amanda Sue King*
Case No: Montgomery C.A. No. 30111; T.C. Case No. 2023 CR 00613
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The trial court's imposition of a maximum sentence for aggravated vehicular homicide was not contrary to law. Judgment affirmed.

Case Name: *State of Ohio v. Diahntae Bell*
Case No: Montgomery C.A. No. 30133; T.C. Case No. 2007 CR 00802
Panel: Epley, Lewis, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err when it denied appellant's third application for post-conviction DNA testing. The court's entry was a final appealable order, and additional testing was foreclosed by statute. Judgment affirmed.

Case Name: *State of Ohio v. Benjamin Adam Votaw*
Case No: Clark C.A. No. 2023-CA-64; T.C. Case No. 22-CR-0837
Panel: Epley, Welbaum, Huffman
Author: Jeffrey M. Welbaum
Summary: Appellant's statutory right to a speedy trial under R.C. 2945.71 was not violated because appellant entered his no contest plea within the applicable 90-day time limitation, accounting for time that was tolled. Appellant's no contest plea was voluntarily entered and was not induced by the trial court during the plea-negotiation process. Judgment affirmed.

Case Name: *Leslie Crawford v. American Family Insurance Company et al.*
Case No: Montgomery C.A. No. 30157; T.C. Case No. 2019 CV 05973
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court erred in granting summary judgment to appellee insurance company on appellant's bad faith claim. Genuine issues

of material fact exist concerning whether appellee acted in bad faith in handling appellant's uninsured motorist's claim. There are also genuine issues of material fact regarding appellant's claim for punitive damages. Judgment reversed and remanded.

Case Name: *In re M.L.-P.*
Case No: Montgomery C.A. No. 30153;
T.C. Case No. G-2023-002447-01,0A,0D
Panel: Welbaum, Lewis, Huffman
Author: Jeffrey M. Welbaum
Summary: Putative paternal grandmother lacked standing to petition for nonparent visitation of her minor grandson under R.C. 3109.12(A), because the paternity requirements under that statute had not been satisfied. Therefore, the trial court erred by failing to dismiss grandmother's complaint for visitation on that basis and by granting grandmother visitation time. Judgment reversed and remanded.

Case Name: *State of Ohio v. Douglas Marlin Thompson*
Case No: Greene C.A. No. 2024-CA-26; T.C. Case No. 2023-CR-0343
Panel: Epley, Welbaum, Tucker
Author: Michael L. Tucker
Summary: The State's alleged breach of a plea agreement did not render appellant's guilty plea invalid under Crim.R. 11. The trial court did not err in denying appellant's plea-withdrawal requests at sentencing. Judgment affirmed.

Case Name: *State of Ohio v. Ashanti Akintunde Cherry*
Case No: Clark C.A. No. 2024-CA-2; T.C. Case No. 23-CR-677
Panel: Epley, Welbaum, Huffman
Author: Mary K. Huffman
Summary: Defense counsel was not ineffective in failing to file a motion to suppress appellant's post-arrest interview or to object to the State's characterization of Cherry as a drug dealer at sentencing. The trial court did not abuse its discretion in admitting recordings of jail phone calls as admissions of a party-opponent or in admitting statements of the victim and other witnesses under exceptions to the hearsay rule. Sufficient evidence supported appellant's convictions, and his sentence is not contrary to law. Judgment affirmed.

Case Name: *State of Ohio v. Rontonio Bonito Campbell*
Case No: Montgomery C.A. No. 30136; T.C. Case No. 2023 CR 02038
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: Defense counsel's failure to speak in mitigation at sentencing did not establish ineffective assistance of counsel. Judgment affirmed.