

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
August 23, 2024

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Case Name: *State of Ohio v. Kyle J. Ranta*
Case No: Montgomery C.A. No. 29974; T.C. Case No. 23CRB00869
Panel: Welbaum, Tucker, Huffman
Author: Mary K. Huffman
Summary: Appellant's conviction for aggravated menacing was not against the manifest weight of the evidence despite conflicting testimony. The credibility of the witnesses and the weight to be given to their testimony were matters for the trier of fact to resolve. The evidence was sufficient to demonstrate that appellant acted knowingly in causing the victim to believe that he would cause her serious physical harm and to persuade a reasonable trier of fact that the elements of aggravated menacing had been proven beyond a reasonable doubt. Judgment affirmed.

Case Name: *State of Ohio v. Quince T. Sain-Dunham*
Case No: Montgomery C.A. No. 29955; T.C. Case No. 2023-CRB-002847
Panel: Epley, Welbaum, Huffman
Author: Mary K. Huffman
Summary: Appellant's convictions for violating a protection order and disorderly conduct were not against the manifest weight of the evidence. The evidence, viewed in a light most favorable to the State, was sufficient to demonstrate that appellant acted recklessly in violating the terms of a protection order by living on the back patio at the protected person's residence and by causing inconvenience and annoyance to the arresting officers by yelling rude and offensive language toward them. Judgment affirmed.

Case Name: *State of Ohio v. Kevin Alexander Quinac Alvarez*
Case No: Montgomery C.A. No. 30092; T.C. Case No. 2023 CRB 3998
Panel: Epley, Welbaum, Huffman
Author: Mary K. Huffman
Summary: State's appeal. The trial court erred in suppressing appellant's statements implicating himself in domestic violence against his wife.

Appellant was not subjected to custodial interrogation or entitled to *Miranda* warnings when the statements were made; appellant was at home, his freedom of movement had not been restricted in any way, and he had not been handcuffed or told he was under arrest. Police officers did not threaten or intimidate appellant during the conversational encounter. Judgment reversed and remanded.

Case Name: *State of Ohio v. Gabriella R. Cantu*
Case No: Darke C.A. No. 2023-CA-32; T.C. Case No. 23CR00077
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: State's appeal. The trial court erred by excluding evidence obtained through a traffic stop. Officers lawfully stopped the car driven by appellant because it had a fictitious license plate. Additionally, there was probable cause to search the vehicle due to information gathered from the passenger indicating that appellant had just purchased \$440 worth of drugs. Judgment reversed and remanded.

Case Name: *Yolanda Fernandez Botello v. Saul Mendez Gonzalez*
Case No: Clark C.A. No. 2024-CA-20; T.C. Case No. 23-DR-0033
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court erred in concluding that it lacked subject matter jurisdiction over appellant's divorce complaint based solely on her refusal to submit documentation regarding her immigration status. Judgment reversed and remanded.

Case Name: *State of Ohio v. Dessaline Weaver*
Case No: Montgomery C.A. No. 29992; T.C. Case No. 1998 CR 00868
Panel: Epley, Welbaum, Huffman
Author: Jeffrey M. Welbaum
Summary: Appellant was not eligible for the sealing of his criminal record because he had not satisfied the community control sanction of paying restitution. The trial court did not err in denying the application to seal the record. Judgment affirmed.

Case Name: *Latonia Aubrey-Dean v. CareSource*
Case No: Montgomery C.A. No. 30078; T.C. Case No. 2023 CV 6436
Panel: Welbaum, Tucker, Huffman
Author: Michael L. Tucker
Summary: Appellant filed a complaint asserting causes of action for racial discrimination, retaliation, and creating a hostile workplace after appellee terminated appellant's employment. The trial court did not err by rendering summary judgment in appellee's favor on each cause of action. Judgment affirmed.

Case Name: *State of Ohio v. Rick Fader*
Case No: Montgomery C.A. No. 30047; T.C. Case No. 23CRB01147
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: The trial court did not err in overruling appellant's Crim.R. 29 motion for judgment of acquittal at the close of the State's case-in-chief. The State presented legally sufficient evidence to support appellant's conviction on a misdemeanor charge of voyeurism. Judgment affirmed.