

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
August 30, 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. Je-Tarre A. Washington*
Case No: Miami C.A. No. 2020-CA-18; T.C. Case No. 19-CR-374
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err in failing to amend the record to reflect that a prospective juror was an African-American individual. The trial court did not abuse its discretion in dismissing the only African-American prospective juror for cause, as appellant claims, because (1) the record does not show that there were any African-American individuals in the jury pool and (2) the record establishes that the prospective juror at issue was dismissed for cause due to COVID-19 concerns without objection. Judgment affirmed.

Case Name: *State of Ohio v. Lenvil C. Persinger*
Case No: Miami C.A. No. 2024-CA-10; T.C. Case No. 23CR307
Panel: Epley, Lewis, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err by imposing an 18-month sentence on appellant, as the sentence was not contrary to law. Judgment affirmed.

Case Name: *State of Ohio v. Eric Shawn Dingman*
Case No: Greene C.A. No. 2024-CA-14; T.C. Case No. 23 CRB 01370
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: Appellant's constitutional right to counsel was violated when the trial court did not make a sufficient inquiry as to whether he fully understood and relinquished his right to counsel. The trial court did not abuse its discretion in denying appellant's request for a continuance where the case had been pending for several months, the facts of the case were simple and straightforward, appellant waited until a week before trial to request the continuance, he did not state how much additional time he needed, and he did not

adequately explain his need for additional time. The judgment is modified to remove the jail sentence and probation. Judgment affirmed as modified.

Case Name: *Aegis, LLC d/b/a Eejis v. Kevin Schlorman, et al.*
Case No: Greene C.A. No. 2024-CA-6; T.C. Case No. 2022 CV 0377
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court did not err in granting appellees' motion for summary judgment. In its claim for tortious interference with business relationships, appellant did not create a genuine issue of material fact that there had been a breach or termination of a contractual relationship. Judgment affirmed.

Case Name: *Worrell A. Reid, Admr. of the Estate of Randall Ed Lucas, Deceased v. Kieran Williams, et al.*
Case No: Montgomery C.A. No. 29971; T.C. Case No. 2022 MSC 00239
Panel: Welbaum, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The probate court erred by denying the estate's motion for default judgment against the unknown heirs of the decedent where the estate had served the unknown heirs by publication for six consecutive weeks pursuant to R.C. 2703.24, and the unknown heirs had not filed an answer to the estate's complaint to determine heirship. Judgment reversed in part and remanded for the probate court to enter a default judgment against the unknown heirs. Judgment affirmed in all other respects.

Case Name: *State of Ohio v. Angelina Hill*
Case No: Montgomery C.A. No. 30048; T.C. Case No. 2023 CR 1573
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court did not err by imposing consecutive sentences for appellant's two counts of aggravated vehicular homicide. Judgment affirmed.

Case Name: *Carthagenia Wyatt Individually [and] as Admr. of the Estate of Deltina Graves v. City of Springfield Ohio, et al.*
Case No: Clark C.A. No. 2024-CA-3; T.C. Case No. 22CV0289
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: The trial court did not err in entering summary judgment for appellees based on the city's statutory immunity from liability on appellants' wrongful-death claim. Judgment affirmed.

Case Name: *State of Ohio v. Henry Lamar Harris*
Case No: Montgomery C.A. No. 29903; T.C. Case No. 2021 CR 03806
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: The trial court did not err by overruling two motions to suppress evidence. With respect to pretrial identifications of appellant, one identification was based on a single photograph, but it was made by a person who had known appellant for years; the trial court reasonably concluded that it was reliable. The second identification resulted from the presentation of a photo array to a witness by a blind administrator; the trial court reasonably concluded that the identification procedure was not suggestive. The search of a backpack in appellant's possession when he was arrested was incident to his arrest, and the trial court did not err in overruling the motion to suppress the evidence found therein. Appellant's convictions were supported by sufficient evidence and were not against the manifest weight of the evidence. Finally, the trial court's findings in support of consecutive sentences were not clearly and convincingly unsupported by the record. Judgment affirmed.

Case Name: *State of Ohio v. Terry Fields*
Case No: Montgomery C.A. No. 29620; T.C. Case No. 2021 CR 03837
Panel: Tucker, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court did not completely fail to comply with Crim.R. 11(C) in designating appellant a Tier I sex offender, and prejudice is not demonstrated. Appellant's guilty pleas waived his right to challenge the trial court's ruling on his motion to suppress. Judgment affirmed.

Case Name: *Laura Bierly, et al. v. Kettering Health Network, et al.*
Case No: Montgomery C.A. No. 30043; T.C. Case No. 2023 CV 04511
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in granting judgment on the pleadings on appellants' medical negligence claims. Appellants' claims were barred by the statute of repose as extended by the foreign object exception set forth in R.C. 2305.113(D)(2). The statute of repose does not violate the right to remedy provision in the Ohio Constitution. Judgment affirmed.