

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
August 9, 2024

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Case Name: *Neha Desai et al. v. CareSource Inc et al.*
Case No: Montgomery C.A. No. 29965; T.C. Case No. 2018 CV 01133
Panel: Epley, Welbaum, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court abused its discretion by granting a motion to strike appellants' class allegations. The court failed to consider any evidence in concluding that the class definition was overbroad and ambiguous and failed to conduct the rigorous analysis that is used to evaluate class certification under Civ.R. 23. Judgment reversed and remanded.

Case Name: *In re C.W.*
Case No: Clark C.A. No. 2024-CA-18; T.C. Case No. 20230440
Panel: Epley, Welbaum, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court properly allowed the State to amend a delinquency complaint alleging robbery to comply with Juv.R. 10(B). The record reveals no violation of Juv.R. 16. In addition, the State's objection to an admonishment for assault became moot after it obtained dismissal of the assault complaint and filed a new complaint alleging robbery. Finally, appellant's delinquency adjudication for robbery was not against the weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Markece Allen Simmons*
Case No: Montgomery C.A. No. 29941; T.C. Case No. 2023 CR 01273
Panel: Epley, Welbaum, Lewis
Author: Jeffrey M. Welbaum
Summary: Appellant's conviction for forcible rape, into which aggravated burglary and sexual battery offenses had been merged, was not supported by sufficient evidence. The trial court did not commit reversible error by excluding certain lay witness opinion testimony at trial; the testimony at issue would have resulted in speculation, and

its exclusion did not prejudice appellant. Judgment vacated as to the forcible rape and remanded to the trial court for it to: (1) consider whether the vacation of the forcible rape conviction affects the aggravated burglary offense for which appellant was found guilty and, if necessary, whether the guilty verdict for sexual battery supports a conviction on the lesser-included offense of aggravated burglary; and (2) sentence appellant for the offenses that merged into his forcible rape conviction.

Case Name: *In re L.S.F.*
Case No: Greene C.A. No. 2023-CA-44; T.C. Case No. 2021-C-00038
Panel: Epley, Welbaum, Tucker
Author: Jeffrey M. Welbaum
Summary: The juvenile court's grant of permanent custody of appellant's minor child to a children services agency was based on sufficient evidence and was not against the manifest weight of the evidence. Judgment affirmed.

Case Name: *In re D.L.W.*
Case No: Montgomery C.A. No. 30109; T.C. Case No. G-2022-000809-0J
Panel: Welbaum, Tucker, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court's decision to terminate appellant's parental rights and grant custody of her minor child to a children services agency was not against the manifest weight of the evidence and was supported by sufficient evidence. Judgment affirmed.

Case Name: *In re B.B.W.*
Case No: Greene C.A. No. 2024-CA-10; T.C. Case No. 2022-G-00119
Panel: Welbaum, Tucker, Huffman
Author: Mary K. Huffman
Summary: The trial court did not abuse its discretion in overruling the magistrate's decision to grant visitation to child's maternal grandmother. The magistrate did not give special weight and sufficient deference to mother's wishes and concerns regarding the child's having visitation with the maternal grandmother. Mother was entitled to the presumption that she acted in the best interest of her child, and grandmother did not satisfy her burden to prove that her visitation request was in the best interest of the child. The trial court did not clearly lose its way and create a manifest miscarriage of justice in reaching its decision. Judgment affirmed.

Case Name: *State of Ohio v. Daniel Jones*
Case No: Clark C.A. No. 2023-CA-59; T.C. Case No. 23-CR-0030
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err in accepting appellant's guilty plea to receiving stolen property. The court determined that appellant understood the nature of the charge to which he was pleading guilty, as required by Crim.R. 11(C)(2)(a). The court also substantially complied with its obligations under Crim.R. 11(C)(2)(b). Judgment affirmed.

Case Name: *State of Ohio v. Othello Harrell*
Case No: Clark C.A. No. 2024-CA-23; T.C. Case No. 21-CR-0408(A)
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The trial court did not abuse its discretion when it granted the State's motion for appellant to be held without bond pending trial. The State proved by clear and convincing evidence that appellant had committed the offenses, that he posed a substantial risk of serious physical harm to any person or to the community, and that no release condition would reasonably assure the safety of the community. Judgment affirmed.

Case Name: *Andrew Meyer v. Codi Lucas*
Case No: Miami C.A. No. 2023-CA-21; T.C. Case No. 21 CV 346
Panel: Tucker, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court's judgment awarded appellee one-half of the increase in value of the house of appellant, her ex-fiancé, on her claim of unjust enrichment. The trial court's judgment was not against the manifest weight of the evidence; appellee contributed to mortgage payments, household expenses, and the substantial improvements to the house while the parties were engaged to be married. The trial court's refusal to enter judgment in favor of appellant on his conversion claim also was not against the manifest weight of the evidence; appellant failed to establish the value of his personal property at the time it was allegedly converted. Judgment affirmed. (Tucker, J., dissenting.)