

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
September 13, 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: *Diana Lynn Jones v. Jeffrey T. Jones*
Case No: Montgomery C.A. No. 30022; T.C. Case No. 2016 DR 00127
Panel: Epley, Welbaum, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not abuse its discretion in finding appellant in civil contempt for failure to pay spousal support. Judgment affirmed.

Case Name: *State of Ohio v. Alex Owen Mowery*
Case No: Clark C.A. No. 2023-CA-40; T.C. Case No. 22-CR-889
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: Appellant was alleged to have committed a number of criminal offenses, including attempted murder, when he was 17 years old. Following a probable cause hearing, the juvenile court ordered that appellant be bound-over to the common pleas court's general division for trial as an adult. Appellant ultimately pled guilty to attempted murder and was sentenced accordingly. Appellant's assertion that the probable cause hearing was tainted by a *Brady* violation because the State did not apprise him of the victim's criminal record prior to the hearing is without merit; the victim's criminal record was a public record accessible to appellant. Moreover, based upon the evidence presented at the probable cause hearing, appellant was not prejudiced by any failure to be informed of the victim's criminal record. Judgment affirmed.

Case Name: *State of Ohio v. Zaezion Arnold*
Case No: Clark C.A. No. 2024-CA-1; T.C. Case No. 23-CR-0477
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: Although appellant's prison sentence is significantly longer than the prison term imposed on his codefendant, the record does not demonstrate that the trial court failed to consider the purposes of felony sentencing set forth in R.C. 2929.11(B). Judgment affirmed.

Case Name: *State of Ohio v. Denzel Holder*
Case No: Montgomery C.A. No. 30010; T.C. Case No. CRB 2301006
Panel: Epley, Tucker, Huffman
Author: Mary K. Huffman
Summary: The trial court permitted amendment of a misdemeanor complaint during trial, but the amendment did not change the name or identity of the offense charged, and appellant was not misled or prejudiced by the amendment. The trial court did not abuse its discretion. Appellant did not overcome the presumption that the trial judge acted without judicial bias or prejudice. Judgment affirmed.

Case Name: *State of Ohio v. Thomas Hamilton*
Case No: Darke C.A. No. 2023-CA-28; T.C. Case No. 23-CR-00054
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: Res judicata bars appellant's challenge to the validity of his guilty plea to aggravated possession of drugs in this appeal from the judgment imposing sentence on violations of his community control sanctions. Judgment affirmed.

Case Name: *Sharon L. White v. Dollar Tree Inc., et al.*
Case No: Montgomery C.A. No. 30140; T.C. Case No. 2022 CV 02514
Panel: Epley, Tucker, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err in making several rulings against appellant, as a trial court has great discretion to manage and administer its own docket. Judgment affirmed.

Case Name: *T.O. v. T.G.*
Case No: Montgomery C.A. No. 30058; T.C. Case No. 2023 CV 03283
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court erred by requiring Petitioner to show an immediate and present danger in order to obtain a sexually oriented offense civil protection order after a full hearing. Judgment reversed and remanded for the trial court to rule on Respondent's objections using the appropriate legal standard.

Case Name: *State of Ohio v. Frank J. Obermeyer*
Case No: Montgomery C.A. No. 30064; T.C. Case No. 23TRD04613
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: Appellant's conviction for disobeying a traffic control device was supported by sufficient evidence and was not against the manifest

weight of the evidence. The accident victim and a police officer testified that appellant had entered the intersection after the traffic light turned red, and video evidence corroborated this testimony. Judgment affirmed.

Case Name: *Ann Richart v. Kiel Greenlee, et al.*
Case No: Montgomery C.A. No. 30037; T.C. Case No. 2023 CV 06238
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court erred in vacating its order of restitution in favor of landlord in her forcible entry and detainer action and in restoring tenants to immediate possession of the property. The order of restitution was a final appealable order, which the trial court could not vacate sua sponte; tenants' objections to the order under Civ.R. 53 had no legal import. The tenants' mechanism for recovering the property was set forth in R.C. 1923.14(A). Judgments vacated; remanded for the trial court to immediately reinstate the writ of restitution.