

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
July 31, 2020

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. Alia Williams*
Case No: Montgomery App. No. 28550; T.C. Case No. 2017-CR-2253/2
Panel: Tucker, Froelich, Welbaum
Author: Jeffrey M. Welbaum
Summary: Appellant's consent to the search of her residence was voluntary under the totality of the circumstances. Judgment affirmed. (Froelich, J., concurring in judgment only.)

Case Name: *State of Ohio v. David Dehart*
Case No: Montgomery App. No. 28356; T.C. Case No. 2018-CR-4839
Panel: Donovan, Froelich, Welbaum
Author: Jeffrey M. Welbaum
Summary: Appellant's statement to the trial court at the plea hearing indicating that he did not hurt his mother did not contradict his guilty plea to domestic violence and did not render his guilty plea less than knowing, intelligent, and voluntary. Judgment affirmed.

Case Name: *State of Ohio v. Jeremy L. Moody*
Case No: Montgomery App. No. 28390; T.C. Case No. 2017-CR-904
Panel: Tucker, Froelich, Welbaum
Author: Michael L. Tucker
Summary: The trial court reasonably concluded that methamphetamine was discovered in appellant's vehicle during an appropriately-conducted inventory search and that the evidence should not be suppressed. Judgment affirmed.

Case Name: *State of Ohio v. Sheldon Smith*
Case No: Greene App. No. 2019-CA-76; T.C. Case No. 2008-CR-926
Panel: Donovan, Froelich, Welbaum
Author: Mary E. Donovan
Summary: The trial court did not err when it overruled appellant's motion to journalize a decision on his presentence motion to withdraw his no contest pleas pursuant to Crim.R. 32.1. Appellant's motion to

withdraw his pleas was implicitly overruled when the trial court proceeded to find him guilty and sentence him on those pleas. Therefore, a final appealable order existed regarding appellant's motion to withdraw his no contest pleas when his direct appeal was filed in 2009. Appellant failed to raise any issues in his direct appeal with respect to his presentence motion to withdraw his no contest pleas, which would have been the proper time to do so. Accordingly, appellant's claims in his post-conviction petition that the trial court abused its discretion when it failed to conduct a hearing pursuant to Crim.R. 32.1 were barred by res judicata. Judgment affirmed.

Case Name: *State of Ohio v. Daniel T. Smith*
Case No: Montgomery App. No. 28339; T.C. Case No. 2016-CR-3659
Panel: Donovan, Hall, Welbaum
Author: Mary E. Donovan
Summary: In light of his guilty pleas to rape and felonious assault, appellant waived his right to appeal the denial of his motions to inspect the grand jury testimony and to obtain the victim's medical records. The trial court was not required to advise appellant that his guilty pleas waived his right to appeal any pretrial rulings. Judgment affirmed.

Case Name: *State of Ohio v. William Marr*
Case No: Montgomery App. No. 28604; T.C. Case No. 2018-CR-4851/1
Panel: Donovan, Hall, Welbaum
Author: Michael T. Hall
Summary: The manifest weight of the evidence supported the appellant's conviction for aggravated possession of drugs, having a weapon while under disability, and possession of heroin. The evidence supported a finding that the appellant knowingly and constructively possessed this contraband, which police found concealed under a cup holder in a truck the appellant owned and was driving at the time of a traffic stop. No prosecutorial misconduct deprived the appellant of his right to a fair trial. Judgment affirmed.

Case Name: *State of Ohio v. Brian Andrew Reed*
Case No: Champaign App. No. 2019-CA-29; T.C. Case No. 2019-CR-232
Panel: Donovan, Hall, Welbaum
Author: Michael T. Hall
Summary: The record does not clearly and convincingly fail to support the appellant's 12-month prison sentence for vandalism. The sentence was supported by the appellant's extensive criminal record, prior terms of imprisonment, commission of the present offense while on probation, and prior opportunities for drug treatment. Judgment affirmed.