

CASE DECISION LIST

October 4, 2018

106109 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v SELVIN CUNNINGHAM

Affirmed.

Tim McCormack, P.J., and Mary J. Boyle, J., concur; Melody J. Stewart, J., concurs in part and dissents in part (with separate opinion attached).

KEY WORDS: *Promoting prostitution; corrupting another with drugs; sufficiency of the evidence; manifest weight; ineffective assistance of counsel; Evid.R. 404(B); unfair prejudice.*

There was sufficient evidence to support promoting prostitution conviction where witness testified that appellant was directing her prostitution. There was sufficient evidence to support corrupting another with drugs conviction in violation of R.C. 2925.02(A)(2) where the appellant provided the victim with a deadly drug. We decline to address the manifest weight challenge where appellant fails to set forth an independent argument in support of this assignment of error. Counsel was not ineffective for failing to request a mistrial. The trial court did not err in overruling an objection to alleged "other acts" testimony where a curative instruction was issued.

106141 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v CIERA N. JOHNSON

Affirmed.

Sean C. Gallagher, J., Eileen T. Gallagher, P.J., and Melody J. Stewart, J., concur.

KEY WORDS: *Aggravated murder; complicity; aiding and abetting; R.C. 2923.03(A)(2); conspiracy; R.C. 2923.03(A)(3); R.C. 2923.01; manifest weight; admission of evidence; discretion; materially prejudiced; plain error; Crim.R. 52(B); coconspirator statements; Evid.R. 801(D)(2)(e).*

The state's complicity case against appellant and her conviction for aggravated murder were supported by sufficient evidence, which established that appellant aided and abetted or conspired with another in the commission of the offense with the same culpability required for the principal offense. Appellant's conviction was not against the manifest weight of the evidence. Trial court's admission of evidence and testimony concerning a codefendant's gang affiliation did not materially prejudice appellant, and plain error did not occur. Coconspirator statements were properly admitted pursuant to Evid.R. 801(D)(2)(e).

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106148 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
YVENS GLEMAUD v METROHEALTH SYSTEMS

Affirmed.

Mary J. Boyle, J., Tim McCormack, P.J., and Melody J. Stewart, J., concur.

KEY WORDS: *Race discrimination; summary judgment; R.C. 4112.02(A); Civ.R. 56(C); Ohio Civil Rights Act; discriminatory animus; direct evidence; indirect evidence; prima facie case.*

The trial court did not err when it granted the defendant's summary judgment motion on the plaintiff's race discrimination claim because the plaintiff failed to meet his burden in establishing a prima facie case of race discrimination through direct or indirect evidence. Accordingly, no genuine issues of material fact remained, and the defendant was entitled to judgment as a matter of law.

106618 LAKEWOOD MUNI. G CIVIL MUNI. & CITY
CHARLES A. CALANNI, ET AL. v MEGHAN E. STOWERS, ET AL.

Affirmed.

Tim McCormack, J., Mary Eileen Kilbane, P.J., and Mary J. Boyle, J., concur.

KEY WORDS: *Magistrate's decision; objections; independent review; Civ.R. 53(D); credibility; landlord; tenant; damages; ordinary wear and tear; cleaning; painting; abuse of discretion.*

The trial court did not abuse its discretion in adopting the magistrate's award of damages to the landlord where the court conducted an independent review, deferred to the trier of fact's credibility assessment of the witnesses, and found the record supported the magistrate's findings of fact and conclusions of law. The record demonstrated a lack of credibility, evidence lacking sufficient detail to support that the work was actually performed on the premises, and the landlord failed to show that the bulk of the repairs were made for damage beyond ordinary wear and tear.

106658 JUVENILE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE
IN RE: J.H., ET AL.

Dismissed.

Larry A. Jones, Sr., J., Mary Eileen Kilbane, P.J., and Frank D. Celebreeze, Jr., J., concur.

KEY WORDS: *Juv.R. 40(D)(4)(d)/objections to magistrate's decision; final, appealable order.*

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(Case 106658 continued)

Lack of a final, appealable order exists where the trial court fails to rule on objections to the magistrate's decision.

106716	COMMON PLEAS COURT	A	CRIMINAL C.P.
STATE OF OHIO v MICHAEL BAKER			

Affirmed and remanded.

Patricia Ann Blackmon, J., Melody J. Stewart, P.J., and Anita Laster Mays, J., concur.

KEY WORDS: Consecutive sentences; nunc pro tunc remand; restitution.

Consecutive sentences for violations of community control sanctions affirmed as they were within the statutory range, not contrary to law, and the court made the statutory findings at the sentencing hearing. Case remanded for nunc pro tunc entry incorporating statutory findings. Restitution proper as reflected in the journal entries.