

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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January 3, 2019

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

Affirmed.

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

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

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

Manifest weight; best interest of the children; restrictive visitation; abuse of discretion; removal of guardian ad litem.

Under the guidelines of R.C. 2151.281 and Juv.R. 4, Mother was not entitled to a GAL, and the outcome of the proceeding was not based solely on GAL representation for Mother. Mother participated during the hearing, competently testifying, presenting her concerns, and responding to the custodian's testimony.

It was properly determined that it was not in the best interest of the children to change custody or modify the visitation schedule. It was not an abuse of discretion or against the manifest weight of the evidence where the trial court limited Mother's visitation.

106998 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v OCIE WILLIAMS

Affirmed.

Mary Eileen Kilbane, A.J., Sean C. Gallagher, J., and Larry A. Jones, Sr., J., concur.

KEY WORDS: *Sufficiency; manifest weight; and sentencing.*

A claim of insufficient evidence raises the question of whether the evidence is legally sufficient to support the verdict as a matter of law. In reviewing a sufficiency challenge, the relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.

In contrast to a sufficiency argument, a manifest weight challenge questions whether the state met its burden of persuasion. A reviewing court weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. A conviction should be reversed as against the manifest weight of the evidence only in the

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most exceptional case in which the evidence weighs heavily against the conviction.

When sentencing a defendant, the court must consider the purpose and principles of felony sentencing set forth in R.C. 2929.11 and the serious and recidivism factors in R.C. 2929.12. R.C. 2929.11(A) and (B) state that the “overriding purposes of felony sentencing are to protect the public from future crime by the offender and others to punish the offender using the minimum sanctions that the court determines accomplish those purposes” and requires that the sentence be “commensurate with and not demeaning to the seriousness of the offender’s conduct and its impact upon the victim.

107085 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
SDC UNIVERSITY CIRCLE DEVELOPER, LLC v ESTATE OF PATRICK WHITLOW, M.D.

Affirmed.

Peter M. Handwork, J.,* Sean C. Gallagher, P.J., and Kathleen Ann Keough, J., concur.

*(Sitting by assignment: Judge Peter M. Handwork, retired, of the Sixth District Court of Appeals).

KEY WORDS: Summary judgment; contract interpretation.

A trial court does not err by interpreting clear and unambiguous contract provisions, where the interpretation gives effect to the parties’ agreed upon intent.