

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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April 23, 2020

**108000** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v ROSS SUMLIN, JR.

Affirmed.

Frank D. Celebrezze, Jr., P.J., Kathleen Ann Keough, J., and Eileen A. Gallagher, J., concur.

**KEY WORDS:** *Aggravated robbery, aggravated burglary; R.C. 2911.11(A); trespass; R.C. 2911.21; felonious assault; kidnapping; having weapons while under disability; sufficiency; manifest weight.*

**Appellant's convictions were supported by sufficient evidence and are not against the manifest weight of the evidence.**

**108391** PROBATE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE  
IN RE CLAIRE LEE

Affirmed.

Sean C. Gallagher, J., Eileen T. Gallagher, A.J., and Mary J. Boyle, J., concur.

**108436** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v CHARLES LUCAS

Affirmed.

Frank D. Celebrezze, Jr., J.; Mary J. Boyle, P.J., and Mary Eileen Kilbane, J., concur in judgment only.

**KEY WORDS:** *Attempted murder; R.C. 2903.02; R.C. 2923.02; improperly discharging a firearm into a habitation; felonious assault; breaking and entering; right to counsel; ineffective assistance of counsel; structural error; sufficiency; circumstantial evidence; intent; other acts evidence; Evid.R. 404(B); plain error; motive; prosecutorial misconduct; prearrest silence.*

**Appellant was not denied his constitutional rights to counsel or the effective assistance of counsel. Appellant's convictions were supported by sufficient evidence. The trial court did not commit plain error in admitting the victim's testimony about her strained relationship with appellant or testimony regarding appellant's cell phone records. The state did not impermissibly comment on appellant's prearrest silence, nor did the state commit prosecutorial misconduct during closing arguments.**

## CASE DECISION LIST

**108448** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MARY SCHENTUR

Affirmed.

Larry A. Jones, Sr., J., and Eileen T. Gallagher, A.J., concur; Kathleen Ann Keough, J., concurs in judgment only.

**108476** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v NICHOLAS WAYCASTER

Dismissed.

Sean C. Gallagher, J., Eileen T. Gallagher, A.J., and Mary Eileen Kilbane, J., concur.

**108488** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v JAMES DEADWILEY

Affirmed.

Raymond C. Headen, J., Sean C. Gallagher, P.J., and Frank D. Celebrezze, Jr., J., concur.

**108493** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v TYMAINE JACKSON

Affirmed.

Larry A. Jones, Sr., J., Sean C. Gallagher, P.J., and Michelle J. Sheehan, J., concur.

**108507** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v DERRICK MILANCUK

Affirmed.

Mary Eileen Kilbane, J., Eileen T. Gallagher, A.J., and Anita Laster Mays, J., concur.

## CASE DECISION LIST

**108513** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
DEBORAH MARTIN GRISSOM, ADMINISTRATOR v  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

Vacated.

Sean C. Gallagher, P.J., Frank D. Celebrezze, Jr., J., and Raymond C. Headen, J., concur.

**108541** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
JAMES F. O'DONNELL v NORTHEAST OHIO NEIGHBORHOOD HEALTH SERVICES, ET AL

Affirmed.

Eileen A. Gallagher, J., Sean C. Gallagher, P.J., and Patricia Ann Blackmon, J., concur.

**108544** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MARLIN G. REED, JR.

**108629** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MARLIN REED, JR.

**108630** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MARLIN REED, JR.

Affirmed.

Mary Eileen Kilbane, J., Mary J. Boyle, P.J., and Frank D. Celebrezze, Jr., J., concur.

**108583** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MICHAEL A. RAPIER

Affirmed.

Sean C. Gallagher, P.J., Larry A. Jones, Sr., J., and Michelle J. Sheehan, J., concur.

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**108615** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
E. J. V. v S. R.

Affirmed.

Sean C. Gallagher, P.J., Frank D. Celebrezze, Jr., J., and Michelle J. Sheehan, J., concur.

**108649** DOMESTIC RELATIONS F CIVIL C.P.-JUV, DOM, PROBATE  
AMINA AHMED RADWAN v AHMED LOUTFY RADWAN

Reversed and remanded.

Sean C. Gallagher, P.J., Patricia Ann Blackmon, J., and Anita Laster Mays, J., concur.

**108669** PARMA MUNI. G CIVIL MUNI. & CITY  
CAPITAL ONE BANK (USA) NA v KHADIJA SMITH

Reversed and remanded.

Michelle J. Sheehan, J., Eileen T. Gallagher, A.J., and Frank D. Celebrezze, Jr., J., concur.

**108699** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v LASHON BROWN

Affirmed.

Raymond C. Headen, J., Larry A. Jones, Sr., P.J., and Kathleen Ann Keough, J., concur.

**108726** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v KALETHA MIMS

Affirmed.

Sean C. Gallagher, P.J., Patricia Ann Blackmon, J., and Anita Laster Mays, J., concur.

## CASE DECISION LIST

**108730** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
STATE OF OHIO v J.C.

Affirmed.

Sean C. Gallagher, J., Mary J. Boyle, P.J., and Mary Eileen Kilbane, J., concur.

**108737** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MATHEW W. ADKINS

Affirmed.

Frank D. Celebrezze, Jr., P.J., Kathleen Ann Keough, J., and Eileen A. Gallagher, J., concur.

**KEY WORDS:** *Murder, felonious assault; other acts evidence; Evid.R. 404(B); motive; intent; hearsay; cumulative error; manifest weight; self-defense; plain error; Evid.R. 613; impeachment; excited utterance; Evid.R. 801; Evid.R. 803; Evid.R. 611; Evid.R. 614.*

*The trial court did not err, abuse its discretion, or commit plain error in its evidentiary rulings at trial. The trial court did not abuse its discretion in granting the state's request to treat the victim as a court's witness. Appellant's convictions are not against the manifest weight of the evidence.*

**108743** JUVENILE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE  
IN RE B.B., ET AL.

Affirmed.

Larry A. Jones, Sr., J., and Michelle J. Sheehan, J., concur; Sean C. Gallagher, P.J., dissents with separate opinion.

**108775** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v CLIFTON HERRON

Affirmed.

Frank D. Celebrezze, Jr., J., Eileen T. Gallagher, A.J., and Michelle J. Sheehan, J., concur.

**KEY WORDS:** *Sentence; felonious assault; R.C. 2903.11; R.C. 2953.08; contrary to law; R.C. 2929.14; R.C. 2929.11; R.C. 2929.12.*

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(Case 108775 continued)

**The trial court's six-year prison sentence is not contrary to law, and appellant failed to demonstrate by clear and convincing evidence that the record does not support the trial court's sentence.**

**108785** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v MONTRELL M. COPELAND

Affirmed.

Sean C. Gallagher, J., Mary J. Boyle, P.J., and Mary Eileen Kilbane, J., concur.

**108904** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v SEAN E. WILLIAMS

Affirmed.

Mary J. Boyle, P.J., Frank D. Celebrezze, Jr., J., and Raymond C. Headen, J., concur.

**108922** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
810 PROPERTIES VII, LLP, ET AL. v WILL SUKENIK, ET AL.

Affirmed and remanded.

Sean C. Gallagher, P.J., Patricia Ann Blackmon, J., and Eileen A. Gallagher, J., concur.

**108934** JUVENILE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE  
IN RE F.T., ET AL.

**108935** JUVENILE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE  
IN RE F.T., ET AL.

Affirmed.

Mary J. Boyle, P.J., Sean C. Gallagher, J., and Mary Eileen Kilbane, J., concur.

## CASE DECISION LIST

**109019** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
STATE OF OHIO v ANDREY L. BRIDGES

Affirmed.

Mary Eileen Kilbane, J., Mary J. Boyle, P.J., and Frank D. Celebrezze, Jr., J., concur.

**109025** COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO  
DIANE L. VARGA v SUSAN G. SOTO, ET AL.

Reversed and remanded.

Sean C. Gallagher, P.J., Frank D. Celebrezze, Jr., J., and Michelle J. Sheehan, J., concur.

**109047** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v TRACEE STEELE

Affirmed.

Sean C. Gallagher, P.J., Larry A. Jones, Sr., J., and Michelle J. Sheehan, J., concur.

**109274** CLEVELAND MUNI. C CRIMINAL MUNI. & CITY  
CITY OF CLEVELAND v TRACE PATTERSON

Reversed, vacated, and remanded.

Raymond C. Headen, J., Sean C. Gallagher, P.J., and Frank D. Celebrezze, Jr., J., concur.

**109277** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v TRENELL L. SANDIDGE

Vacated and remanded.

Kathleen Ann Keough, J., Patricia Ann Blackmon, P.J., and Michelle J. Sheehan, J., concur.