

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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April 30, 2020

108120 CLEVELAND MUNI. C CRIMINAL MUNI. & CITY
CITY OF CLEVELAND v JAMES RAY GOODMAN

108678 CLEVELAND MUNI. C CRIMINAL MUNI. & CITY
CITY OF CLEVELAND v JAMES GOODMAN

Affirmed in part, reversed and vacated in part.

Eileen T. Gallagher, A.J., Larry A. Jones, Sr., J., and Kathleen Ann Keough, J., concur.

108192 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
RAQUEL GREGORY v CUYAHOGA COUNTY

Reversed and remanded.

Sean C. Gallagher, P.J., and Frank D. Celebrezze, Jr., J., concur; Michelle J. Sheehan, J., dissents with separate opinion.

108359 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v ROY RUCKER

Affirmed.

Sean C. Gallagher, P.J.; Frank D. Celebrezze, Jr., J., concurs with separate opinion; Larry A. Jones, Sr., J., concurs in part and dissents in part with separate opinion.

108368 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
ROSALYND COLLIER-HAMMOND v STATE OF OHIO

Affirmed.

Anita Laster Mays, P.J., Kathleen Ann Keough, J., concurs; Frank D. Celebrezze, Jr., J., concurs in judgment only.

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108515 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v DENNIS BAIRD

Dismissed and remanded.

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

108684 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v ERIC HUNTER

Affirmed.

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

108689 DOMESTIC RELATIONS F CIVIL C.P.-JUV, DOM, PROBATE
OMAR SALEH v KHLOUD YASSEN

Reversed and remanded.

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

KEY WORDS: *Divorce; custody; parental rights; interview; R.C. 3109.04; due process; motion to show cause; attorney fees; contempt.*

The trial court erred by failing to conduct an in camera interview of the child prior to disposition. Because appellant filed a timely motion for an in camera interview, the in camera interview was mandatory pursuant to R.C. 3109.04(B)(1). The trial court abused its discretion in denying appellant's motions to show cause. The record reflects that appellee failed to comply with the terms of the agreed judgment entry and the trial court's order to appear in court with the child.

108701 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v RONNIE A. STEWART

Affirmed.

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

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108746 CLEVELAND MUNI. C CRIMINAL MUNI. & CITY
CITY OF CLEVELAND v YANIQUE WATSON

Affirmed in part, reversed in part, and remanded.

Mary J. Boyle, P.J., Eileen A. Gallagher, J., and Michelle J. Sheehan, J., concur.

108753 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
KELLY DONNELLY v CITY OF BEREA, ET AL.

Affirmed.

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

108770 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v DEBORAH CHUDAKOFF

Affirmed.

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

108820 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v JAMES L. WAVER

Affirmed.

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

108824 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v DETRICK COOKE

Affirmed.

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

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108853 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v CORDELL HUBBARD

Affirmed.

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

KEY WORDS: *Motion for leave; motion for a new trial; newly discovered evidence; abuse of discretion; Crim.R. 33; unavoidably prevented; self-defense.*

The trial court did not abuse its discretion in denying appellant's motion for leave to file a motion for a new trial. Appellant failed to demonstrate by clear and convincing evidence that he was unavoidably prevented from discovering the evidence upon which he relies, or that he filed his motion for leave within a reasonable time.

108938 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v CHRISTOPHER LENHART

Vacated and remanded.

Frank D. Celebrezze, Jr., J., and Michelle J. Sheehan, J., concur; Sean C. Gallagher, P.J., concurs with separate opinion.

KEY WORDS: *Community control; violation; R.C. 2929.19; R.C. 2929.15; notification; failure to register; R.C. 2950.04; res judicata; sexually oriented offender; App.R. 4.*

Appellant's three-year prison sentence for violating community control is vacated. The trial court failed to notify appellant during the sentencing hearing of the specific prison term that may be imposed if he violated the conditions of community control, as required by R.C. 2929.19(B)(4). The matter is remanded to the trial court for resentencing in accordance with R.C. 2929.15(B). Appellant's challenge to the validity of his sexually oriented offender classification is untimely and barred by res judicata.

109295 CLEVELAND MUNI. C CRIMINAL MUNI. & CITY
CITY OF CLEVELAND v SHANNON DIXON

Reversed and remanded.

Michelle J. Sheehan, J., Anita Laster Mays, P.J., and Larry A. Jones, Sr., J., concur.