

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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March 26, 2020

108302 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v RAYSHAWN L. ELLIS

Reversed and remanded.

Kathleen Ann Keough, J., Mary Eileen Kilbane, P.J., concurs in judgment only; Sean C. Gallagher, J., concurs in part and dissents in part with separate opinion.

KEY WORDS: *Obstructing official business; R.C. 2921.31(A); fingerprinting; sufficiency of evidence; having a weapon under disability; R.C. 2923.13(A); constructive possession; self-representation.*

Defendant's conviction for obstructing official business in violation of R.C. 2921.31(A) was not supported by sufficient evidence where defendant's refusal to submit to fingerprinting was not an affirmative act that hindered the police investigation; defendant's conviction for having a weapon under disability in violation of R.C. 2923.13(A) was not supported by sufficient evidence where the state conceded defendant never touched or used the gun and failed to produce evidence that he constructively possessed the gun; trial court erred in denying defendant's request to represent himself at trial even though the motion was made on the day of trial because the motion was made in response to the trial court's earlier inappropriate attempts to pressure defendant to plead guilty, leading defendant to conclude he could not get a fair trial, and trial counsel offered no objection to the trial court's comments.

108376 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v TIMOTHY REYNOLDS

Affirmed.

Larry A. Jones, Sr., P.J., Raymond C. Headen, J., and Mary Eileen Kilbane, J., concur.

108459 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v DAVID I. HUMPHRIES

Affirmed.

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

KEY WORDS: *Manifest weight; cross-examination; credibility; bench trial.*

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(Case 108459 continued)

We found that the conviction in this case for robbery was not against the manifest weight of the evidence because we determined the witness was reliable. The trial court also did not err in limiting portions of the defendant's cross-examination as the court was an experienced trial judge who did not limit meaningful questioning.

108511 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v BARRY RIDDICK

Affirmed.

Raymond C. Headen, J., Mary J. Boyle, P.J., and Kathleen Ann Keough, J., concur.

KEY WORDS: Breaking and entering; R.C. 2911.13(B); sufficiency of the evidence; manifest weight of the evidence; Evid.R. 404(B); other acts; common scheme or plan.

Defendant's conviction for breaking and entering was supported by sufficient evidence. The state presented circumstantial evidence that the defendant trespassed on the victim's property, and it was reasonable to infer from the evidence presented that defendant trespassed with the purpose to commit theft. The trial court did not abuse its discretion in allowing evidence of other acts in order to show the defendant had a common scheme or plan. The trial court did not abuse its discretion in declining to give a limiting instruction.

108516 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v ROBERT JACKSON-WILLIAMS

108611 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v ROBERT A. JACKSON-WILLIAMS

Affirmed in part, reversed in part, and remanded.

Eileen T. Gallagher, A.J., Patricia Ann Blackmon, J., and Raymond C. Headen, J., concur.

KEY WORDS: Sufficient evidence; manifest weight of the evidence; other acts evidence; Evid.R. 404(B); probative value; unfair prejudice; consecutive sentence; domestic violence; child endangering; menacing by stalking; trespass.

Defendant's domestic violence and menacing by stalking convictions were supported by sufficient evidence and were not against the manifest weight of the evidence where the victim testified that the defendant assaulted her, refused to leave her alone, called her daily for months, and showed up at her workplace and home unannounced.

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(Case 108611 continued)

Defendant's child endangering convictions were not supported by sufficient evidence where there was no evidence that defendant's aggressive conduct toward his wife ever posed a threat to the health and safety of the children who witnessed the domestic violence.

Evidence of defendant's prior attempts to contact the victim were admissible to prove the pattern of conduct required for menacing by stalking and to explain the basis for the victim's fear.

Consecutive sentences were supported by the record and were not contrary to law.

108652 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v JUSTIN COHEE

Affirmed and remanded.

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

109161 JUVENILE COURT DIVISION F CIVIL C.P.-JUV, DOM, PROBATE
IN RE J.B.

Reversed and remanded.

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

KEY WORDS: Guardian ad litem; motion for extraordinary fees; abuse of discretion.

Appellate court unable to conduct a meaningful review of juvenile court's decision where juvenile court, without explanation, granted guardian ad litem's motion for extraordinary fees, but awarded guardian ad litem only a portion of fees requested. Remanded for juvenile court to reconsider guardian ad litem's motion for extraordinary fees and to explain the basis or rationale for the amount of extraordinary fees awarded.