

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 1 of 3

October 7, 2021

**109487** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v ROBERT SHARY

Affirmed.

Eileen T. Gallagher, J., Lisa B. Forbes, P.J., and Emanuella D. Groves, J., concur.

**KEY WORDS:** *Suppression; search warrant; substantial basis; affidavit; probable cause; knowingly false; possession; constructive; circumstantial; sufficient; manifest weight; trafficking; criminal tools; complicity.*

*The affidavit submitted in support of the search warrant contained sufficient probable cause to justify the search of the defendant's residence for illegal contraband. The trial court did not err in refusing to suppress the evidence seized during the search of the residence. Defendant's convictions are supported by sufficient evidence and are not against the manifest weight of the evidence.*

**110126** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v LUIS REYES

Affirmed.

Eileen T. Gallagher, J., Sean C. Gallagher, P.J., and Frank D. Celebrezze, Jr., J., concur.

**KEY WORDS:** *Plea; effect; constitutional; nonconstitutional; understanding; ineffective; prejudice; innocence; sentence; consecutive; findings; clearly and convincingly.*

*The record supports the trial court's determination that the defendant's guilty plea was knowingly, intelligently, and voluntarily made. In addition, the defendant did not establish that he would not have entered the plea but for the alleged deficiencies in the trial court's Crim.R. 11 colloquy. Defense counsel did not render ineffective assistance of counsel during the plea proceedings. The trial court made the necessary findings for the imposition of consecutive sentences, and the findings are not clearly and convincingly unsupported by the record.*

**110219** COMMON PLEAS COURT A CRIMINAL C.P.  
STATE OF OHIO v DAVID STEWART

## CASE DECISION LIST

Affirmed.

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

**KEY WORDS:** *Plea; effect; admission of guilt; constitutional; nonconstitutional; maximum penalty; postrelease control; consequences; violation; prejudice.*

**The record supports the trial court's determination that the defendant's guilty plea was knowingly, intelligently, and voluntarily made. In addition, the defendant did not establish that he would not have entered the plea but for the alleged deficiencies in the trial court's Crim.R. 11 colloquy.**

<b>110281</b>	COMMON PLEAS COURT	A	CRIMINAL C.P.
STATE OF OHIO v ORNIESHA LEVISON			

Affirmed.

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

**KEY WORDS:** *Felony sentence; R.C. 2953.08(G)(2); contrary to law; R.C. 2929.11; R.C. 2929.12; sentence supported by the record.*

**Trial court did not err in imposing maximum 36-month sentence for involuntary manslaughter. Sentence was not contrary to law where sentence was within statutory range and sentencing journal entry reflected that trial court considered the purposes and principles of sentencing and relevant sentencing factors under R.C. 2929.11 and 2929.12 when sentencing defendant. An appellate court cannot review a defendant's sentence to determine whether the record supports the sentence based on the purposes and principles of sentencing and relevant sentencing factors under R.C. 2929.11 and 2929.12.**

<b>110329</b>	COURT OF CLAIMS	I	COURT OF CLAIMS
ASSOCIATION OF CLEVELAND FIRE FIGHTERS IAFF LOCAL 93 v CITY OF CLEVELAND, DEPARTMENT OF LAW			

Affirmed.

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

**KEY WORDS:** *Court of Claims; R.C. 149.43/Ohio Public Records Act; attorney-client privilege; R.C. 2743.75/submission of special master's report.*

**Emails requested under the Public Records Act, and where the content of those emails is found to not be privileged under the attorney-client privilege, are subject to release to the public.**

## **CASE DECISION LIST**

(Case 110329 continued)

**The Court of Claims' decision to release the requested emails was proper, therefore, reversal of its decision is not warranted.**

**The special master, appointed by the Clerk of Court for the Court of Claims, is a judicial officer, and the Clerk of Court for the Court of Claims is a magistrate. It was not error where the Clerk of Court for the Court of Claims signed the special master's report.**

**Appellee's request for attorney fees fails where appellee did not provide evidence that appellant appealed to either intentionally delay compliance with the Court of Claims' order or to harass appellee.**