

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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June 22, 2023

111989 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v HENRY STAFFORD

Affirmed.

Lisa B. Forbes, J., Frank Daniel Celebrezze, III, P.J., and Eileen A. Gallagher, J., concur.

KEY WORDS: *Motion to withdraw guilty plea; murder; ineffective assistance of counsel; res judicata; voluntary manslaughter; sudden fit of passion or rage.*

The court did not err by denying the defendant's motion to withdraw guilty plea. Evidence in the record shows that the defendant knowingly, intelligently, and voluntarily pled guilty to murder in accordance with Crim.R. 11. Furthermore, defendant's affidavit, which was attached to his motion to withdraw guilty plea, does not establish that he acted as a result of sudden passion or a sudden fit of rage when he purposefully shot his girlfriend's brother while the brother was in bed.

112020 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v ADOLPH JACKSON

Affirmed.

Sean C. Gallagher, J., Eileen A. Gallagher, P.J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Second Amendment; concealed handgun license; improper handling; R.C. 2923.16.*

Affirmed. R.C. 2923.16(B) is not unconstitutional under New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U.S. ___, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022), based on the arguments presented because that statutory section contains an exception for Ohioans who have obtained a valid concealed handgun license under R.C. 2923.16(F)(5) and the defendant did not timely challenge the validity of Ohio's licensing system.

112027 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JOHNNY BROWN

Affirmed.

Sean C. Gallagher, J., Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

CASE DECISION LIST

(Case 112027 continued)

KEY WORDS: Crim.R. 32.1; postsentence motion to withdraw guilty plea; manifest injustice.

The trial court did not err in denying the defendant's postsentence motion to withdraw his guilty plea because the information the defendant claims is new was information available to him at the time of his guilty plea in 2008.

112044	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v ROBERT K. KARLOWICZ			

Affirmed.

Mary J. Boyle, J., Mary Eileen Kilbane, P.J., and Michael John Ryan, J., concur.

KEY WORDS: Sentence; consecutive; R.C. 2929.14; State v. Gwynne; Reagan Tokes Law; constitutional; Delvallie.

Judgment affirmed. The record clearly and convincingly supports the trial court's findings and the imposition of a consecutive sentence of 20-26 years in prison under R.C. 2929.14(C)(4). Karlowicz went on a crime spree after absconding from probation, resulting in charges in four separate cases. The seriousness of his conduct and criminal history warranted consecutive sentences. Furthermore, Karlowicz's constitutional challenge to the Reagan Tokes Law is unpersuasive because this court has already found the law to be constitutional under Delvallie.

112108	BEDFORD MUNI.	G	Civil Muni. & City
RESHONDA RICHARD v CARMAX			

Affirmed.

Michelle J. Sheehan, J., Kathleen Ann Keough, P.J., and Michael John Ryan, J., concur.

KEY WORDS: Nonconforming brief; civil bench trial; vehicle warranty; Lemon Law.

Based on the existing appellate record, appellant cannot prevail on her claim under the Magnuson-Moss Warranty Act. Furthermore, the Lemon Law is not applicable to the used vehicle appellant purchased.

CASE DECISION LIST

112135 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: R.R., ET AL.

Affirmed.

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

KEY WORDS: *Permanent custody; R.C. 2151.414(B)(1); legal custody; R.C. 2151.353(A)(3); R.C. 2151.011(B)(21); best interest of child; R.C. 2151.414(D)(1); R.C. 3109.04(F)(1); compliance with case plan services; scope of re-redirect examination.*

Juvenile court did not abuse its discretion in terminating Mother's parental rights and granting permanent custody of child to the agency and granting legal custody of siblings to other relatives. Juvenile court's decision that permanent custody was in the best interest of the child was supported by clear and convincing evidence. Juvenile court's decision that it was in siblings' best interest to be placed in the legal custody of other relatives was supported by a preponderance of the evidence. Mother's substantial compliance with case plan services did not preclude a grant of permanent custody to the agency or legal custody to other relatives. Juvenile court did not commit reversible error in allowing agency to conduct limited re-redirect examination of witness regarding matters mother contended were outside the scope of recross-examination.

112247 COMMON PLEAS COURT E Civil C.P.-Not Juv, Dom Or Prob
CHRISTOPHER FALCONER v
WARRENSVILLE HEIGHTS CITY SCHOOL DISTRICT BD. OF EDUCATION

Affirmed.

Frank Daniel Celebrezze, III, J., Anita Laster Mays, A.J., and Sean C. Gallagher, J., concur.

KEY WORDS: *Motion to dismiss; Civ.R. 12(B)(1); subject matter jurisdiction; de novo review; State Employment Relations Board; exclusive jurisdiction; R.C. Chapter 4117; collective bargaining agreement; final and binding arbitration; exclusive remedy; claims arising from or depending on collective bargaining agreement; breach of contract; terms and conditions of employment.*

The claims raised in the instant matter do not fall outside the scope of the collective bargaining agreement, and thus the only remedy available to appellant was through the appropriate grievance procedure. The trial court properly found that it lacked subject-matter jurisdiction over appellant's claims.