

**July 11, 2024****112847** DOMESTIC RELATIONS F Civil C.P.-Juv, Dom, Probate  
A. E. v J. E.

Reversed and remanded.

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

**KEY WORDS:** *Financial misconduct; spousal support; child support; marital property; marital home; temporary spousal support; attorney fees; marital debt; loan; life insurance; proposed shared parenting; parenting time; restraining orders.*

*Trial court erred in finding that husband committed financial misconduct by dissipating marital funds when he liquidated restricted stock units when the court restrained his income and he had no other means of paying his tax liabilities.*

*The trial court erred by ordering husband to pay wife more than half of his income as temporary spousal support.*

*The trial court erred in substituting its own valuation for the marital home based on the court's review of comparable home values instead of the valuation of husband's appraiser, who appraised the property one month before trial.*

*Trial court erred in ordering husband to pay wife's attorney fees when there was no evidence that he was in a superior financial position or that he caused wife to incur an increase in attorney fees.*

*Trial court erred in requiring husband to pay off a loan wife received from her parents when the loan was used to pay college tuitions for the parties' adult children and to pay real estate taxes on the parties' marital home, which was wife's responsibility.*

*Trial court erred in designating wife the beneficiary of a lapsed insurance policy.*

*Trial court erred in not adopting the husband's shared parenting plan and in finding that a reduction in father's parenting time was in the child's best interest.*

*The trial court failed to account for funding missing from wife's lawyer's IOLTA account.*

*Trial court erred in leaving all restraining orders in place without specifically identifying the restraining orders and identifying the restrained parties.*

## CASE DECISION LIST

**113177** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v CARLOS MARTIN, SR.

Dismissed.

Lisa B. Forbes, P.J., Emanuella D. Groves, J., and Anita Laster Mays, J., concur.

**KEY WORDS:** *Anders Brief; felony sentencing; Crim.R. 11 colloquy; knowing, voluntary and intelligent plea; sentence not contrary to law; Regan Tokes Law; indefinite sentencing.*

*Defendant's appellate counsel's motion to withdraw is granted because there are no meritorious arguments that exist and an appeal would be wholly frivolous. The three potential issues for review are overruled, appellate counsel's motion to withdraw is granted, and the appeal is dismissed.*

**113225** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v DION RANSOM

Affirmed.

Eileen T. Gallagher, J., Michelle J. Sheehan, P.J., and Frank Daniel Celebrezze, III, J., concur.

**KEY WORDS:** *Sufficient; manifest weight; credibility; inconsistent; aid; abet; complicit; encourage; support; intent; closing; prosecutorial misconduct; prejudice; ineffective assistance of counsel; gruesome; autopsy; crime scene; photographs; excessive.*

*The defendant's convictions are supported by sufficient evidence and are not against the manifest weight of the evidence. Trial counsel did not render ineffective assistance of counsel by failing to object to the State's introduction of crime scene and autopsy photographs. The State did not commit prosecutorial misconduct during closing arguments by referencing the metadata that was incorporated into a video exhibit introduced by the defense.*

**113243** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v JOSEPH OSCAR TRACY HOPPER

Affirmed.

Michael John Ryan, J., Lisa B. Forbes, P.J., and Emanuella D. Groves, J., concur.

**KEY WORDS:** *Insufficient evidence; manifest weight of the evidence; ineffective assistance of trial counsel; rape; R.C. 2907.02; Evid.R. 806(6); business records; Evid.R. 803(4); statements for the purposes of treatment and diagnosis; lesser included offense;*

## CASE DECISION LIST

(Case 113243 continued)

**preindictment delay.**

**Appellant's rape conviction was supported by sufficient evidence and was not against the manifest weight of the evidence. Appellant was not prejudiced by preindictment delay because he was indicted via his DNA before the statute of limitations expired, and his claims that he had witnesses who could have challenged the victim's recitation of events were speculative. Appellant was not denied the effective assistance of trial counsel when his attorney did not request a jury instruction on the lesser included offense of sexual battery.**

**113247** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v DEVONTE FINLEY

Affirmed.

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

**KEY WORDS: Murder; right to counsel; Giglio/Brady material; Evid.R. 608; Evid.R. 402; Evid.R. 403; manifest weight of the evidence.**

***Murder conviction affirmed. Appellant was represented by counsel at all stages of the proceeding and knowingly and voluntarily waived the appearance of one of his two attorneys for a limited portion of the trial because the attorney was ill.***

***There was no Brady or Giglio violation. The law espoused in those cases did not apply because the subject information - the investigating detective's social media posts - was publicly available information; it was neither in the State's sole possession nor suppressed by the State. Further, in accordance with Evid.R. 402, 403, and 608, the trial court did not abuse its discretion by not allowing the defense to cross-examine the detective on his past social media posts.***

***Appellant's murder conviction is supported by the weight of the evidence.***

**113304** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v MYRON MILLER

Affirmed.

Anita Laster Mays, J., Mary J. Boyle, P.J., and Sean C. Gallagher, J., concur.

**KEY WORDS: Having weapons while under disability, R.C. 2923.13(A)(3), sufficiency and manifest weight of the evidence.**

## CASE DECISION LIST

(Case 113304 continued)

**Appellant's bench trial conviction for having a weapon while under disability is affirmed. Viewed in a light most favorable to the prosecution, the bench trial presumption of regularity was not overcome and the evidence was sufficient to support the conviction. The court did not clearly lose its way thus rendering the conviction not against the manifest weight of the evidence.**

**113350** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v CHAKEBA WHITLEY

Affirmed.

Kathleen Ann Keough, A.J., Eileen A. Gallagher, J., and Lisa B. Forbes, J., concur.

**KEY WORDS: R.C. 2945.39; retain jurisdiction; clear and convincing evidence; attempted aggravated arson; lighter fluid; substantial step; threat.**

**Appellant's conduct of spraying a flammable accelerant in or around her residence building where she knew individuals lived, threatening to burn down the building, possessing two disposable lighters, and dislodging the fire alarm from the wall constitutes clear and convincing evidence that appellant took substantial steps to commit the act of aggravated arson. Trial court did not err in finding that appellant committed attempted aggravated arson to satisfy R.C. 2945.39 to retain jurisdiction over her case.**

**113421** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v JOSEPH CHMURA

Affirmed in part; reversed in part, and remanded.

Mary J. Boyle, P.J., Michael John Ryan, J., and Frank Daniel Celebrezze, III, J., concur.

**KEY WORDS: Postrelease control; PRC; R.C. 2967.28; R.C. 2953.08(G)(2); leave to appeal; R.C. 2953.08(A)(2); consecutive sentences; R.C. 2929.14(C)(4); R.C. 2929.13(B); community-control sanctions.**

**Judgment is affirmed in part, reversed in part, and remanded. Chmura's consecutive-sentencing argument cannot be reviewed because R.C. 2953.08(A)(2) bars appellate review of a prison term imposed upon a fourth- or fifth-degree felony pursuant to R.C. 2929.13(B), absent a motion for leave. Nevertheless, Chmura's argument regarding PRC is sustained, because the trial court failed to advise Chmura of PRC at the sentencing hearing but imposed it in the sentencing entry. Therefore, the case is remanded to the trial court for the sole purpose of advising Chmura of PRC.**

## CASE DECISION LIST

**113574** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
AURORA SMILE CENTER, LLC v JACQUELINE SEATS

Dismissed.

Mary Eileen Kilbane, P.J., Sean C. Gallagher, J., and Anita Laster Mays, J., concur.

**KEY WORDS:** *Civ.R. 55; default judgment; Civ.R. 54(B); R.C. 2505.02; final, appealable order.*

**Because the trial court's default judgment entry did not dispose of all claims, it was not a final, appealable order and this court lacks jurisdiction to consider plaintiff-appellant's arguments.**

**113695** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v LE'SONNE BOLAN

Vacated and remanded.

Lisa B. Forbes, J., Michelle J. Sheehan, P.J., and Mary J. Boyle, J., concur.

**KEY WORDS:** *Conceded error; imposition of postrelease control; R.C. 2953.08(G)(2)(b); R.C. 2967.28(C); R.C. 2929.19(B)(2)(e) and (f); sentence contrary to law.*

**The trial court erred when it imposed postrelease-control sanctions without providing the statutorily required advisements. Sentence is vacated and remanded for a limited purpose sentencing hearing to properly impose the statutorily mandated period of postrelease control pursuant to R.C. 2967.28(C).**