

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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April 17, 2025

114081	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v TIMOTHY KING, JR.			

Affirmed.

Anita Laster Mays, J., Eileen T. Gallagher, P.J., and William A. Klatt, J.,* concur.

(*Sitting by assignment: William A. Klatt, J., retired, of the Tenth District Court of Appeals.)

KEY WORDS: *Crim.R. 11; guilty plea; knowing, intelligent, voluntary; R.C. 2929.14; consecutive sentences.*

Appellant's guilty pleas were knowingly, intelligently, and voluntarily made. The trial court partially complied with Crim.R. 11(C)(2)(a) and (b), and the appellant failed to demonstrate prejudice. The trial court's imposition of consecutive sentences was pursuant to law.

114168	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v HASSAN ALWAN			

Affirmed.

William A. Klatt, J.,* Kathleen Ann Keough, P.J., and Deena R. Calabrese, J., concur.

(*Sitting by assignment: William A. Klatt, J., retired, of the Tenth District Court of Appeals.)

KEY WORDS: *Felonious assault; serious physical harm; sufficiency of the evidence; manifest weight of the evidence; ineffective assistance of counsel.*

Appellant's convictions were supported by sufficient evidence and were not against the manifest weight of the evidence where the State presented evidence that the victim suffered serious physical harm in the form of a laceration requiring stitches and a diagnosis of post-concussion syndrome. Appellant did not receive ineffective assistance of counsel; decisions about introducing evidence, calling or not calling witnesses, and the scope of cross-examination are within the scope of trial strategy.

114242	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v ANTHONY ORENICH			

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Affirmed.

Michael John Ryan, J., Mary J. Boyle, P.J., and Anita Laster Mays, J., concur.

KEY WORDS: *R.C. 2945.75; lifetime driver's license suspension; Crim.R. 52(B); plain error; R.C. 2921.331; R.C. 4510.02; Crim.R. 11; guilty plea; prior conviction.*

Judgment affirmed. *The appellant is unable to show that the trial court erred in imposing the mandatory lifetime driver's license suspension. When a prior conviction enhances the punishment for committing a subsequent crime but does not raise the degree of the offense, the prior conviction does not have to be included in the indictment because it is not an essential element of the subsequent crime. Thus, the State was not required to provide appellant notice of his prior conviction because the prior conviction is only relevant as a sentencing enhancement; it is not an element of the offense charged under R.C. 2921.331.*

114260	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
PATRICK LAGUNZAD, ET AL. v PARMA ESTATES LLC, ET AL.			

Affirmed in part, reversed in part, and remanded.

William A. Klatt, J.,* Eileen T. Gallagher, P.J., and Anita Laster Mays, J., concur.

(*Sitting by assignment: William A. Klatt, J., retired, of the Tenth District Court of Appeals.)

KEY WORDS: *Motion for summary judgment; Civ.R. 56; genuine issues of material fact; breach of contract; statute of limitations; exclusion of warranties; R.C. 5321.04; R.C. Ch. 4781; R.C. Ch. 5321; common areas; criminal activity by tenants; covenant of quiet enjoyment; rent increase; retaliation; OAC 4781-12-28; R.C. 955.28; strict liability; dog bite and personal property damage; landlord; misrepresentation; fraud; Consumer Sales Practices Act; OAC 4781-12-08; slander; scope of employment; intentional and malicious torts; destruction of personal property; and notice.*

The trial court did not err when it granted summary judgment to a defendant-appellee because the complaint alleged no causes of action against that particular defendant-appellee.

The trial court did not err when it granted summary judgment to a defendant-appellee on a breach-of-contract claim where the claims were time-barred by the contractually agreed to statute of limitations and the purchase agreement excluded any express or implied warranties.

The trial court did not err when it granted summary judgment to a defendant-appellee because a landlord or manufactured park operator is not responsible for the alleged criminal activity and resulting damage caused by tenants on a resident's own property. The trial court also did not err when it found there were no genuine issues of material fact stemming from the plaintiffs-appellants' allegations that another tenant, rather than the landlord, breached

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the covenant of quiet enjoyment.

Because the landlord imposed a rent increase on all residents due to increased operational costs and the lease agreement permitted rent increases with the requisite notice, the trial court did not err when it found the plaintiffs-appellants' allegations of a rent increase due to retaliation did not create genuine issues of material fact.

The trial court did not err when it granted summary judgment to defendant-appellant landlord where the plaintiffs-appellants failed to demonstrate the alleged incident with a dog occurred in the common area.

Plaintiffs-appellants claimed they relied on a document from the community property manager when they executed the lease agreement. However, the defendant-appellant was entitled to summary judgment on the claim of misrepresentation and fraud because the lease agreement specifically stated (1) the document constitutes the entire agreement and (2) the plaintiffs-appellants did not rely on any representations, written or oral, as an inducement to execute the lease.

The trial court correctly granted defendants-appellees' motion for summary judgment because the claimed violation of Ohio Administrative Code 4781-12-08 lacked merit.

Absent evidence to demonstrate an employee's alleged intentional, malicious torts were performed to further or promote his employer's business, the trial court did not err when it granted summary judgment on the issue of slander.

The trial court did not err in granting summary judgment where the plaintiffs-appellants failed to show that their landlord had notice that construction materials were placed on their tenant's property. The trial court erred in granting summary judgment where genuine issues of material fact existed as to whether the landlord was notified about a damaged branch in the common areas and whether the landlord or his employee removed the tenant's back steps and door without replacing them.

114320	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
MARK R. SANDERS v RENAISSANCE RESTORATION, LTD., ET AL.			

Dismissed.

Eileen T. Gallagher, J., and Lisa B. Forbes, P.J., concur; Sean C. Gallagher, J., concurs (with separate opinion).

KEY WORDS: *Final, appealable order; stay; substantial right; due process; guardian.*

Appeal dismissed for lack of final, appealable order where judgment appealed from merely stayed the litigation pending guardianship proceedings in the probate court.

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114348 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
JC ROBINSON, JR., ET AL. v PROGRESSIVE INSURANCE CORPORATION

Affirmed.

Emanuella D. Groves, P.J., Michael John Ryan, J., and Kathleen Ann Keough, J., concur.

KEY WORDS: *Final appealable order; motion for summary judgment; res judicata; claim preclusion.*

Judgment affirmed. After the defendant moved for summary judgment, the plaintiff failed to provide any evidence to rebut the defendant's argument that action was barred by res judicata. We find that the plaintiff is bound by the consequences of the voluntary dismissal of a prior lawsuit with prejudice because it involved the same parties, facts, and claims as the instant action. Accordingly, we find that the trial court did not err in granting the defendant's motion for summary judgment because the doctrine of res judicata - specifically, claim preclusion - applies and no exception is warranted.

114404 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: D.B.

Affirmed.

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

KEY WORDS: *Failure to file transcript; App.R. 9; presume regularity; court not obligated to address case law about undisputed issue; Civ.R. 53; magistrate's decision; additional evidence; App.R. 12; App.R. 16; error must be separately argued; award of past-care support; R.C. 3111.13.*

The trial court did not err in declining to specifically address the case law raised by appellants or the affidavits presented in support of their objections to the magistrate's decision. The court further did not err in finding that appellant had not demonstrated that he was entitled to past-care support.

114444 DOMESTIC RELATIONS F Civil C.P.-Juv, Dom, Probate
D.S.K. v T.J.K.

Affirmed.

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

KEY WORDS: *Marital property; custody; best interest of the child;*

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transcript; presume regularity.

Trial court's awards of marital property, child custody, and child support are affirmed where Husband failed to file either a transcript of the trial court proceedings or an App.R. 9(C) statement of the evidence, and appellate court must presume regularity.

114472	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: N. A.			

Affirmed.

Kathleen Ann Keough, J., Michael John Ryan, P.J., and Sean C. Gallagher, J., concur.

KEY WORDS: Parental rights; permanent custody; motion to modify temporary custody to permanent custody.

Judgment granting permanent custody to CCDCFS is affirmed. The record contains sufficient evidence supporting the juvenile court's determination that custody to CCDCFS was in the best interest of the child. Further, the caseworker's testimony was properly admitted and considered by the trial court based on the totality of the record before us.