

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 1 of 8

August 7, 2025

114183 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
TREASURER OF CUYAHOGA v LAROSSA PROPERTY AFFILIATES, LTD, ET AL.

Affirmed.

Kathleen Ann Keough, J., Michael John Ryan, P.J., and Anita Laster Mays, J., concur.

KEY WORDS: *Tax foreclosure; magistrate's decision; magistrate objections; magistrate procedure; Civ.R. 53(D)(4)(d); independent review; foreclosure procedure; delinquent land certificate; R.C. 5721.18(A).*

Judgment affirmed. Appellants contested the trial court's decision to adopt the magistrate's decision, which granted the foreclosure in favor of the appellee. Appellants argue that (1) the trial court did not perform an independent review of the magistrate's decision; (2) the tax hearing procedure is improper and violative of due process; and (3) the delinquent land certificate attached to the complaint was not certified and thus improperly considered. We find no merit to any of appellants' arguments.

114304 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JOSHUA R. LYNCH

Affirmed in part, reversed in part, and remanded.

Deena R. Calabrese, J., Emanuella D. Groves, P.J., and Anita Laster Mays, J., concur.

KEY WORDS: *Competency, sufficient indicia of incompetency; waiver of counsel; competency of a witness; ineffective assistance of counsel; plain error; sufficiency of the evidence; weapons while under disability; child endangering; recklessly; gross abuse of a corpse; manifest weight of the evidence; R.C. 2945.37(A); R.C. 2945.37(G); R.C. 2945.37(B); Crim.R. 52(B); Evid.R. 601; R.C. 2317.01; Crim.R. 29; R.C. 2923.13(A)(2); R.C. 2919.22(A); R.C. 2901.22(C); R.C. 2927.01(B); R.C. 2929.14(B)(1)(g).*

Affirmed in part, reversed in part, and remanded. Appellant appealed his convictions and sentence for two counts of murder, two counts of felonious assault, two counts of having weapons while under disability, endangering children, and gross abuse of a corpse. Appellant argued that the trial court erred when it did not hold a competency hearing on the record, when it did not rule on his motion to waive his right to counsel, by admitting the testimony of an eight-year-old witness whose competency to testify was not established, when it denied his Crim.R. 29 motion, when it failed to calculate and award him jail-time credit, and when it imposed a consecutive sentence for firearm specifications attendant to Counts 2 and 3 because those counts merged as allied offenses. Appellant

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 2 of 8

(Case 114304 continued)

also argued that his convictions are against the manifest weight of the evidence. None of the arguments had merit, except that the trial court erred by failing to award jail-time credit. Affirmed in part, reversed in part, and remanded.

114389	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v ANTONIO D. JOHNSON			

Affirmed.

Kathleen Ann Keough, J., Michelle J. Sheehan, P.J., and Lisa B. Forbes, J., concur.

KEY WORDS: *Rape; gross sexual imposition; corroboration; physical evidence; sexually violent predator specification; R.C. 2971.02; confirming sexual abuse; Evid.R. 803(8)(b); witness letter; jury instruction misstatement.*

Appellant's convictions for rape and gross sexual imposition upheld where the jury was presented with physical evidence and testimony by two medical professionals testifying about whether the physical evidence supported allegations of sexual activity. Lack of corroboration by household members does not render a conviction against the manifest weight of the evidence. Trial court complied with R.C. 2971.02 when the appellant elected to have the trial court consider the sexually violent predator specification; execution of a jury waiver is not required. Trial court should not have permitted the sexual assault nurse examiner to testify that the victim's medical records "confirmed sexual abuse" because it infringed on the jury's factfinding function. Nevertheless, the error did not affect the defendant's substantial rights because the defendant's expert refuted the nurse's opinion. Witness's letter to police is inadmissible under Evid.R. 803(8)(b) because it was not words of law enforcement personnel. Trial court's misstatement giving the jury its instructions was harmless when the written instructions provided to the jury contained the correct definition.

114499	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v TERRELL SILVER			

Affirmed.

Sean C. Gallagher, J., Michelle J. Sheehan, P.J., and Kathleen Ann Keough, J., concur.

KEY WORDS: *Aggravated murder; felonious assault; Confrontation Clause; personal knowledge; hearsay; limiting instructions; Evid.R. 105; gruesome photographs; sufficient evidence; aggravated burglary; manifest weight of the evidence.*

Affirmed. The appellant's evidentiary arguments are without merit because the trial court provided a limiting instruction to focus the

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 3 of 8

(Case 114499 continued)

jury's attention on the admissible aspects of testimony presented at trial; the appellant failed to demonstrate that the post-mortem photos of the victims were unduly prejudicial based on the "gruesome" depictions; and the convictions were not against the weight of the evidence or based on insufficient evidence.

114545	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JAYSON MITCHELL			

Affirmed in part, reversed in part, and remanded.

Emanuella D. Groves, Eileen A. Gallagher, A.J., and Michael John Ryan, J., concur.

KEY WORDS: *Right to confrontation; joinder; allied offenses of similar import; weight and sufficiency of the evidence; admissibility of medical records; R.C. 2317.422; Evid.R. 803(6); Evid.R. 902(10).*

Trial court did not err when it admitted medical records that complied with R.C. 2317.422, Evid.R. 803(6), and Evid.R. 902(10) without the testimony of patient. The records were kept in the ordinary course of business and self-authenticating and did not require extrinsic testimony for admissibility. Further, the admission of the records did not violate the appellant's right to confrontation under the U.S. and Ohio Constitutions where there was no allegation that the records contained hearsay statements from the patient that were inadmissible without her testimony on the witness stand.

The trial court did not err when it granted the State's motion to join the indictments of the two cases. Appellant failed to preserve the issue when he failed to object to the alleged prejudicial joinder at the close of testimony and he failed to establish that he was prejudiced by the joinder when the evidence was simple and direct and unlikely to cause the jury to consider propensity evidence.

Appellant's conviction for vandalism was not supported by sufficient evidence where the State was required to establish knowing conduct and appellant's conduct was merely reckless. Appellant's other sufficiency arguments lacked merit since there was sufficient evidence to support his convictions for failure to comply, trafficking, and receiving stolen property. The appellate court declined to address the sufficiency of the criminal tools conviction due to appellant's failure to comply with appellate rules.

Appellant's convictions were supported by the greater weight of the evidence. The State introduced direct and circumstantial evidence that identified the appellant as the perpetrator. Additionally, the State introduced evidence that established appellant acted knowingly when committing the crime of felonious assault.

The trial court did not commit plain error when it failed to merge three counts of failure to comply, where each count was of dissimilar import and caused separate and distinct harm. The trial court did err when it failed to merge

CASE DECISION LIST

(Case 114545 continued)

having-weapons-while-under-disability conviction in each case where the sole allegation in each case was that the appellant was in possession of a gun at the time of each crime. Finally, with respect to aggravated-vehicular-assault convictions involving two victims, the trial court erred when it failed to merge the convictions into two counts, one for each victim, where the appellant's conduct against each victim did not cause distinct harm, was not committed separately, and were not committed with separate animus or motivation.

114567 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
114590 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
114591 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
114593 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
114594 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
114595 IN RE V.W.	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate

Affirmed.

Michelle J. Sheehan, P.J., Lisa B. Forbes, J., and Kathleen Ann Keough, J., concur.

KEY WORDS: Juvenile sex offender; register; R.C. 2152.83(D); nature of the offense; remorse; abuse of discretion.

The juvenile court did not abuse its discretion in classifying the juvenile offender as a Tier I juvenile sex offender pursuant to R.C. 2152.83(B) given the young age of the victim; the serious nature of the offense, including the filming and subsequent dissemination of the video without the victim's knowledge; and V.W.'s complete lack of remorse with respect to his actions.

114569 STATE OF OHIO v LEONDRE HARRIS	COMMON PLEAS COURT	A	Criminal C.P.
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Affirmed.

Michael John Ryan, J., Eileen A. Gallagher, A.J., and Emanuella D. Groves, J., concur.

KEY WORDS: Self-defense; cumulative error; structural error; abuse

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 5 of 8

(Case 114569 continued)

of discretion; mistrial.

The trial court did not err when it did not give the jury an instruction on self-defense because the evidence was not sufficient to support the instruction. Appellant used more force than was necessary to defend himself and violated his duty to retreat. The court also did not err in denying Appellant's motion for a mistrial. Appellant could not show that he was materially prejudiced when the court did not allow repeated showing of the disturbing surveillance video. The court did not commit structural error; the court was not biased against Appellant. The court did not penalize Appellant for going to trial; the court never stated that it would have agreed to a certain sentence had Appellant accepted the State's plea deal. There was no cumulative error.

114576	CLEVELAND MUNI.	G	Civil Muni. & City
CITY OF CLEVELAND v 8009 LAKE LLC, ET AL.			

Affirmed.

Sean C. Gallagher, J., and Kathleen Ann Keough, J., concur; Eileen A. Gallagher, A.J., dissents (with separate opinion).

KEY WORDS: *Summary judgment; Civ.R. 56; notice of condemnation; cost of demolition; Cleveland Cod.Ord. 3103.09.*

Affirmed. *The appellant failed to demonstrate any error with the judgment against him and in favor of the City of Cleveland for the cost incurred in demolishing a condemned structure.*

114609	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v DAKAREE COOK			

Affirmed in part, vacated in part, and remanded.

Michelle J. Sheehan, P.J., Lisa B. Forbes, J., and Kathleen Ann Keough, J., concur.

KEY WORDS: *Agreed-upon sentence; consecutive sentences; R.C. 2953.08(D)(1); subject to review; Crim.R. 32(C); App.R. 16(A)(7); Reagan Tokes notifications; R.C. 2929.19(B)(2)(c); invited error; postrelease control notifications; constitutionality of the Reagan Tokes Law.*

Pursuant to a plea agreement, the parties entered into an agreed-upon sentencing range. The trial court imposed a sentence that fell within the agreed-upon range. As such, the sentence is not subject to review pursuant to R.C. 2953.08(D)(1).

Appellant claims the trial court's sentencing entry was insufficient since it failed to note that certain firearm specifications were

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 6 of 8

(Case 114609 continued)

dismissed as a result of the plea agreement. He presents no authority in support of his premise that the sentencing entry must include details of the plea agreement as required by App.R. (16)(A)(7). We decline to address his assignment of error. Even if we were to address his assignment of error, it would not be successful. Crim.R. 32(C) no longer requires the sentencing entry to include the manner of conviction.

The trial court failed to advise the defendant of the Reagan Tokes notifications at the sentencing hearing as required under R.C. 2929.19(B)(2)(c). However, the trial court did fully advise the defendant of these provisions at the plea hearing. Defense counsel advised the trial court that the notifications at the plea hearing were sufficient and did not need to be repeated at the sentencing hearing. As such, the trial court's failure to repeat these notifications at the sentencing hearing, if error, was invited.

When notifying the defendant of postrelease control at sentencing, the trial court failed to notify the defendant of the consequences he may face if he violated postrelease control. As a result, the trial court's notice of postrelease control is insufficient and the case is remanded back to the trial court for a limited resentencing hearing to properly notify the defendant of postrelease control.

The defendant concedes that in *State v. Hacker, 2023-Ohio-2535*, the Supreme Court of Ohio affirmed the constitutionality of the Reagan Tokes Law on the same grounds raised by the defendant. As such, defendant's constitutional challenges to the Reagan Tokes Law are overruled.

114630	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
SARAH ROJAS, ET AL. v REGINALD RUCKER, ET AL.			

Affirmed.

Emanuella D. Groves, J., Eileen A. Gallagher, A.J., and Michael John Ryan, J., concur.

KEY WORDS: *Motion; attorney fees; sanctions; R.C. 2323.51; Civ.R. 11; abuse of discretion.*

Judgment affirmed. Nothing in the limited record before this court establishes that appellees or their counsel's conduct was sanctionable under R.C. 2323.51's objective egregious-conduct standard or Civ.R. 11's subjective willfulness standard. The appellants fail to cite any authority in support of their contention that the standards set forth in R.C. 2323.51 and Civ.R. 11 apply to appellees and their counsel's conduct or are otherwise satisfied by this set of facts. Under these circumstances and in lieu of any authority supporting sanctions in this instance, we decline to find that the trial court abused its discretion in denying the appellants' R.C. 2323.51 and Civ.R 11 motion.

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 7 of 8

114669 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v SAMI FARRAJ

Affirmed.

William A. Klatt, J.,* Eileen A. Gallagher, A.J., and Sean C. Gallagher, J., concur.

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

KEY WORDS: *R.C. 2911.12; burglary; ineffective assistance of counsel; Strickland v. Washington; deficient performance; prejudice.*

Defendant-appellant did not receive ineffective assistance of counsel where trial counsel made references to his conduct in the case because defendant-appellant was not prejudiced by these references considering the overwhelming evidence against him.

114679 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
MICHAEL CLAY v DANIEL A. GALITA, CHIEF MEDICAL EXAMINER, ET AL.

Affirmed.

Mary J. Boyle, P.J., Deena R. Calabrese, J., and William A. Klatt, J.,* concur.

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

KEY WORDS: *Summary judgment; Civ.R. 56; R.C. 313.19; coroner's verdict; cause of death; mode of death; manner of death; competent, credible evidence.*

Judgment affirmed. Appellant was convicted of felony murder in connection with the death of his infant daughter. He filed suit attempting to have the coroner's verdict changed to "accident" or "undetermined." After careful review of the record, we find that no genuine issue of material fact remains to be litigated regarding the cause, manner, and mode of death of appellant's infant daughter. Appellant's theories are not evidence and do not create a genuine issue of material fact. Summary judgment in favor of the appellee was proper.

114732 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: N.B., ET AL.

Affirmed.

Emanuella D. Groves, P.J., Sean C. Gallagher, J., and Anita Laster Mays, J., concur.

KEY WORDS: Parental rights; permanent custody; sufficiency of the evidence; manifest weight of the evidence; R.C. 2151.414; constitutional challenge.

Judgment affirmed. Despite the appellant-father's efforts to engage in services, remedy some conditions that caused two children to be removed from his custody, visit with children, and attend many of his autistic child's appointments, the juvenile court's permanent custody awards are supported by sufficient evidence within the record and are not contrary to that evidence's manifest weight. Moreover, we decline to review Father's constitutional challenges to R.C. 2151.414 since they were not raised before the trial court.