

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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August 28, 2025

<b>114464</b>	CLEVELAND MUNI. CITY OF CLEVELAND v PARIS KING	C	Criminal Muni. & City
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Affirmed.

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

**KEY WORDS:** *Jury instructions; essential element; sufficiency; manifest weight; ineffective assistance of counsel; plain error.*

*Defendant's convictions for disorderly conduct and resisting arrest are affirmed. Although the trial court failed to instruct the jury on an essential element of disorderly conduct, the defendant did not object to the jury instructions and the error did not affect the outcome of the trial. Because any error in the trial court's jury instructions regarding disorderly conduct did not affect the outcome of trial, defendant's argument that her counsel was ineffective is without merit. The trial court did not err when instructing the jury on resisting arrest. And defendant's convictions were supported by sufficient evidence and were not against the manifest weight of the evidence.*

<b>114532</b>	COMMON PLEAS COURT STATE OF OHIO v JORDAN HICKS	A	Criminal C.P.
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Affirmed.

William A. Klatt, J.,\* Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

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

**KEY WORDS:** *Motion to disqualify counsel; guilty plea; admission of guilt; waiver of right to appeal.*

*Defendant-appellant's guilty plea waived his right to appeal nonjurisdictional defects except the constitutionality of the plea itself. Thus, defendant-appellant's assigned error that addressed the trial court's denial of a motion to discharge counsel, and not the constitutionality of the plea hearing, was waived when he entered a guilty plea.*

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<b>114540</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JUAN TIUL XI			

Affirmed.

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

**KEY WORDS:** *Sentencing discretion; due-process; plain error; unsubstantiated allegations; psychological harm; victim-impact statements; seriousness of the offense; R.C. 2929.12(B)(2); emotional trauma; sentencing hearing; trial court findings; appellate review; R.C. 2953.08(G)(2); relationship with the victim; credibility of evidence; statutory sentencing factors; felony sentencing; mitigating and aggravating factors; judicial discretion; record support; consecutive sentencings.*

*The trial court did not violate the defendant's due-process rights by considering the victim's statements regarding psychological harm and fear for her family's safety during sentencing. Although the victim referenced alleged threats from the defendant's wife or associates, the trial court did not make an evidentiary finding by attributing those threats to the defendant. Instead, the court permissibly considered the ongoing psychological impact of the offenses under R.C. 2929.12(B)(2). Because the record supports the trial court's findings and the sentence was not clearly and convincingly contrary to law, the appellate court affirmed. (R.C. 2929.12(B)(2); R.C. 2953.08(G)(2).) Consecutive sentences upheld.*

<b>114574</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v DEVION STEELE			

Affirmed.

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

**KEY WORDS:** *Aggravated robbery, R.C. 2911.01(A)(1); one-year firearm specification, R.C. 2941.141(A); three-year firearm specification, R.C. 2941.145(A).*

*The trial court's imposition of a firearm specification enhancement on the appellant as an accomplice who never possessed or used the weapon in the underlying offense was not contrary to Ohio law.*

*The trial court's decision to impose a three-year firearm specification enhancement under R.C. 2941.145(A) instead of a one-year enhancement under R.C. 2941.141(A) was not contrary to Ohio law.*

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<b>114637</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v STEPHEN SMITH			

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:** *Sufficiency of the evidence; ballistic evidence; eyewitness evidence; video recording; manifest weight of the evidence.*

*After viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of felonious assault and having weapons while under disability proven beyond a reasonable doubt. Further, the record does not show that the trial court clearly lost its way and created such a manifest miscarriage of justice that the defendant-appellant's convictions were against the manifest weight of the evidence. Thus, defendant-appellant's claims of insufficient evidence to support the convictions and convictions that are against the manifest weight of the evidence are without merit and are overruled.*

<b>114645</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JASON HALASZ			

Affirmed in part, vacated in part, and remanded.

Lisa B. Forbes, P.J., Mary J. Boyle, J., and Deena R. Calabrese, J., concur.

**KEY WORDS:** *Attempted murder, sentencing hearing, prison term, aggravating factors, R.C. 2929.12(B), mitigating factors, R.C. 2929.12(C) principles of felony sentencing, R.C. 2929.11, jail-time credit award, R.C. 2967.191(A), date of confinement.*

*Criminal defendant convicted of attempted murder appeals his 11-year prison sentence, the statutory maximum. Defendant stabbed an advanced nurse practitioner that was treating him for schizoaffective disorder. Defendant asserts that the record did not support his sentence because the court failed to consider that he committed the acts underlying his conviction while suffering from serious mental illness. Prison sentence was affirmed because it was within the appropriate statutory range of years and because the sentencing hearing transcript showed the court considered mitigating factors under R.C. 2929.12(C), aggravating factors under R.C. 2929.12(B), and the overriding principles of felony sentencing under R.C. 2929.11. However, the trial court miscalculated defendant's jail-time credit award. Defendant was confined for 216 days between his arrest for attempted murder and his sentence; the trial court mistakenly awarded him only 208 days of jail-time credit. Case remanded to trial court to correct jail-time credit award.*

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<b>114678</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v RONALD CHICHARRO			

Affirmed.

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

**KEY WORDS:** *Child pornography; motion to suppress; search warrant; citizen informant; probable cause; cache files.*

**Denial of motion to suppress upheld. Based on information provided by citizen informant, the detective's affidavit in support of the search warrant afforded the issuing judge a substantial basis for concluding that probable cause existed to search appellant's residence. Appellant's convictions for offenses related to child pornography were supported by sufficient evidence and not against the manifest weight of the evidence because the testimony and evidence presented demonstrated that Chicharro either knew or should have known that he possessed the images or was reckless when downloading certain images.**

<b>114691</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v TAIJUAN TYSON			

Affirmed and remanded.

Michelle J. Sheehan, P.J., Emanuella D. Groves, J., and William A. Klatt, J.,\* concur.

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

**KEY WORDS:** *Plea; postrelease control; sex-offender classification; presentence motion to withdraw plea.*

**The trial court did not abuse its discretion when it denied defendant's presentence motion to withdraw his plea. Although the trial court did not fully comply with Crim.R. 11(C)(2)(a) with respect to postrelease control and the sex-offender classification, defendant did not establish that he was prejudiced by the incomplete notifications.**

<b>114716</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JASON WILDER			

Affirmed.

Kathleen Ann Keough, J., Michael John Ryan, P.J., and Jill Flagg Lanzinger, J.,\* concur.

(\*Sitting by assignment: Jill Flagg Lanzinger, J., of the Ninth District Court of Appeals.)

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**KEY WORDS:** *Guilty plea; Crim.R. 32.1; presentence; actual innocence; change of heart; misunderstanding.*

*Trial court's decision to deny appellant's presentence motion to withdraw his guilty plea is upheld where appellant's claim of actual innocence was not asserted until after pleading guilty and no facts or defenses were set forth supporting his claim. Appellant's contention that he misunderstood the potential sentence was not supported by the record. The record reflected a change of heart.*

<b>115024</b>	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
STATE OF OHIO v L.M.			

Affirmed.

Deena R. Calabrese, J., Anita Laster Mays, P.J., and Kathleen Ann Keough, J., concur.

**KEY WORDS:** *Expungement; eligibility; abuse of discretion; de novo review; pending criminal case; outstanding warrant; third-degree felonies; fourth-degree felonies; fifth-degree felonies; R.C. 2953.32; R.C. 2953.32(D)(1)(b); R.C. 2953.32(D)(2); R.C. 2953.32(A)(1); R.C. 2913.02; R.C. 2913.31.*

*Judgment affirmed. Because appellant had a pending larceny case and an outstanding warrant, she was statutorily ineligible for expungement pursuant to R.C. 2953.32(D)(1)(b) and (D)(2), and the trial court's denial of her motion for expungement was therefore proper. Having resolved the appeal on that basis, we decline to opine on the parties' shared view that R.C. 2953.32(A)(1) permits expungement of lower-level felonies even when third-degree felonies remain on a movant's record.*