

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 1 of 7

**May 15, 2025**

**113910** JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate  
IN RE: E.V.

Affirmed in part, reversed in part, vacated in part, and remanded.

Deena R. Calabrese, J., Mary J. Boyle, P.J., and Kathleen Ann Keough, J., concur.

**KEY WORDS:** *Contempt; direct contempt; indirect contempt; civil contempt; criminal contempt; trial in absentia; neglected child; emergency custody; temporary custody; due process; manifest weight; abuse of discretion; adjudication; disposition; show cause order; purge conditions; incarceration; warrant; habeas corpus; magistrate; juvenile court; case plan; reunification; objections to magistrate's decision; standard of proof; clear and convincing evidence; proof beyond a reasonable doubt; preponderance of the evidence; educational neglect; truancy; parental engagement; R.C. 2705.01; R.C. 2705.02; R.C. 2705.03; R.C. 2151.03; R.C. 2151.011; R.C. 2151.28; R.C. 2151.35; R.C. 2151.353; Juv.R. 40; Civ.R. 53.*

*Judgment affirmed in part, reversed in part, vacated in part, and remanded. The juvenile court erred in holding mother in direct contempt and imposing a jail sentence without affording her required due-process protections. Even if mother's underlying conduct, failure to comply with an emergency custody order, constituted indirect contempt, the court did not hold a proper evidentiary hearing with mother present, nor did it find her guilty beyond a reasonable doubt before imposing an unconditional term of confinement, a criminal-contempt sanction. The resulting contempt finding and jail term are vacated.*

*The court properly adjudicated E.V. to be a neglected child. Evidence showed that he was chronically truant and ultimately expelled from school after minimal attendance. The agency made repeated but unsuccessful efforts to contact the parents, and the mother failed to attend a virtual expulsion hearing and ignored the agency's attempts to have her participate in diversion programs. The juvenile court reasonably found that the child's educational neglect and the lack of parental engagement supported a neglect adjudication under R.C. 2151.03(A)(3).*

*The dispositional order placing E.V. in the temporary custody of the child welfare agency is also affirmed. The agency demonstrated reasonable efforts to avoid removal but was unable to assess the child's safety due to the mother's evasiveness. The child was missing for some two months before being located, and there were no viable alternatives for placement. The case plan focused on reunification with services addressing school attendance, supervision, and substance use.*

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 2 of 7

**113980** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
ANDREW J. WRIGHT, ET AL. v RAYMOND JAMES MALLET

Reversed in part and remanded.

Eileen T. Gallagher, J., Lisa B. Forbes, P.J., and Sean C. Gallagher, J., concur.

**KEY WORDS:** *Motion for default judgment; Civ.R. 55; abuse of discretion; Civ.R. 8; pleadings should be liberally construed; cases should be decided on their merits; pro se litigants; motion for summary judgment; genuine issues of material fact; Civ.R. 56; de novo review.*

*The trial court erred in granting default judgment and should have liberally construed pro se litigant's filed affidavit as an answer. The trial court further erred in granting summary judgment in favor of appellee where appellant demonstrated genuine issues of material fact with regard to claims asserted.*

**114098** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v TRAVEON HUGHES

Affirmed.

Lisa B. Forbes, P.J., Eileen T. Gallagher, J., and Sean C. Gallagher, J., concur.

**KEY WORDS:** *Sufficiency of the evidence; lay-opinion testimony; Evid.R. 701; character evidence; Evid.R. 404(A); character for truthfulness; Evid.R. 608(B); endangering children; felony murder.*

*Hughes appeals convictions including endangering children and felony murder, asserting there was insufficient evidence that he pushed a wipe down his baby's throat, causing him to die by asphyxiation. The record contained sufficient evidence to support his convictions, including that Hughes was the only person present when the baby choked on the wipe, the medical-examiner's testimony that the baby did not have the developmental ability to force a wipe down his own throat, and videos in which the baby's arms hang or reach or flail without direction. The court did not err in allowing a doctor to testify without providing an expert report that she was concerned the baby could not have pushed the wipe down his own throat. This testimony was given to explain why she called the police and any opinion she provided was a permissible lay-opinion based on facts within her perception. The court did not commit plain error by allowing the State to question appellant about a variety of unrelated matters that were relevant to his character for truthfulness and to which he opened the door during his own testimony.*

## CASE DECISION LIST

<b>114266</b>	CLEVELAND MUNI.	C	Criminal Muni. & City
CITY OF CLEVELAND v TAMMY ANN JOHNSON			

Affirmed.

Michelle J. Sheehan, P.J., and Anita Laster Mays, J., concur; Sean C. Gallagher, J., concurs (with separate opinion).

**KEY WORDS:** *Housing-code violations; community-control conditions; sanctions; ripeness doctrine.*

*The trial court's sentence imposing community-control conditions for the defendant's housing-code violations was affirmed. The community-control conditions do not apply to properties the defendant might own in the future. The defendant's argument that the community-control conditions could apply to properties that she might own in the future is not ripe for review.*

<b>114290</b>	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
KAREN M. METZGER, ADMINISTRATRIX, ET AL. v STRONGSVILLE CARE GROUP, LLC, ET AL.			

Reversed and remanded.

Mary J. Boyle, J., Eileen A. Gallagher, A.J., and Michelle J. Sheehan, J., concur.

**KEY WORDS:** *Arbitration agreement; alternate dispute resolution; motion to stay and compel arbitration; successor judge; judgment on the transcript; credibility; electronic signature.*

*Judgment reversed and remanded. Credibility is a vital factor in rendering judgment in the instant case. The crux of the case is whether plaintiff electronically signed the alternate dispute resolution agreement. The transcript is full of conflicting testimony, which would be difficult to evaluate absent observation of the witnesses. Plaintiff testified that she never received a copy of the agreement, that was not her signature on the agreement, and that she does not believe she signed anything electronically at the defendant's skilled care facility. Plaintiff's daughter testified that her mother signed all the documents by "[p]en and ink." Moreover, there are issues with defendant's testimony as to the DocuSign audit trail because the decedent was in the hospital at the time the audit trail indicates he electronically signed a document. In the trial court's ruling, the successor judge essentially determined that defendant's witness was more credible than plaintiff and her daughter when the court concluded that plaintiff "signed" the agreement and was bound by its terms. Because credibility issues were involved at the motion to stay proceedings and compel mediation and arbitration hearing, the court erred in granting the motion on the basis of the transcript. The factfinder must weigh the credibility of the witnesses' testimony in order to make a determination. Therefore, the matter is remanded for a new hearing on defendants' motion.*

## CASE DECISION LIST

**114326** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v JEFFERY WAYNE DODSON

Affirmed.

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

**KEY WORDS:** *Consecutive sentences; child sexual assault material; manifest weight; sufficiency of the evidence; pandering sexually oriented material involving a minor; possessing criminal tools.*

**Judgment affirmed.** *Appellant's convictions for pandering sexually oriented material involving a minor and possessing criminal tools were supported by sufficient evidence and not against the manifest weight of the evidence. The trial court made the statutory findings necessary to impose consecutive sentences, and we cannot say that the trial court's sentence clearly and convincingly was unsupported by the record. The appellant was on postrelease control for similar crimes when he committed the crimes in this case. The court noted that appellant committed the worst form of the offense and disseminated child sexual assault material on his computer. Appellant's sentence on each of his crimes is not disproportionately long, and he has failed to demonstrate that the record did not support the imposition of consecutive sentences that totaled 41 years in prison.*

**114331** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v MAIKIA S. JEFFRIES

Affirmed.

Sean C. Gallagher, 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:** *Modify sentence; final judgment; jurisdiction.*

**Reversed and vacated.** *The trial court lacked jurisdiction to modify the indefinite life term to reduce the minimum term for parole eligibility from 20 to 15 years, even if the original sentence was contrary to law.*

**114336** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
STATE OF OHIO v LEENEJA SINGLETON

Affirmed.

Sean C. Gallagher, J., Michelle J. Sheehan, P.J., and Anita Laster Mays, J., concur.

## CASE DECISION LIST

**KEY WORDS:** *Petition for postconviction relief; R.C. 2953.21; res judicata; ineffective assistance of counsel; prosecutorial misconduct.*

**Affirmed.** *All of the petitioner's claims for postconviction relief could have been addressed in the direct appeal because the claims that her trial attorneys failed to share the State's video evidence before trial, explain the mandatory minimum sentence created by the firearm specifications, and call her mother as an alibi witness and the claims that the prosecutor coerced the codefendant into testifying to an untruth were all apparent in, if not contradicted by, the record. Those claims are barred by the doctrine of res judicata from being considered in a petition for postconviction relief.*

<b>114365</b>	BEDFORD MUNI.	G	Civil Muni. & City
K&D MANAGEMENT LLC v SHANAUTICA MARSHALL			

Affirmed.

Michelle J. Sheehan, P.J., Eileen T. Gallagher, J., and Michael John Ryan, J., concur.

**KEY WORDS:** *Pro se; transcript; App.R. 9; presume validity of lower court proceedings.*

*Where appellant failed to file a transcript or an appropriate substitute as permitted under App.R. 9(C) or (D), this court is required to presume the validity of the lower court's proceedings and affirm its decision.*

<b>114393</b>	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
KEYBANK NATIONAL ASSOCIATION v MIDTOWN INSPIRION, LLC, ET AL.			

Affirmed.

Michelle J. Sheehan, P.J., Eileen T. Gallagher, J., and Michael John Ryan, J., concur.

**KEY WORDS:** *Civ.R. 60(B); motion for relief from judgment; cognovit note; warrant of attorney; confession of judgment; meritorious defense; evidentiary hearing.*

**The trial court's judgment denying the defendants' motion to vacate cognovit judgments entered against them was affirmed. The defendants did not set forth operative facts with sufficient specificity for the trial court to determine whether they had a meritorious defense to the cognovit judgments.**

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 6 of 7

**114416** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
IN RE: C.M., ET AL.

Affirmed.

Mary J. Boyle, J., Emanuella D. Groves, P.J., and Sean C. Gallagher, J., concur.

**KEY WORDS:** *Parental rights; adjudication; dependent; manifest weight of the evidence; res judicata; amended complaint; parental conduct; adverse conditions; R.C. 2151.04(C); Juv.R. 22(B); Civ.R. 15(B); CCDCFS.*

*Judgment affirmed. Father's newly presented arguments are barred by the doctrine of res judicata and could have been raised in Father's initial appeal. The juvenile court adjudicated the children dependent under R.C. 2151.04(C) and placed the children under the protective supervision of CCDCFS. While the complaint referenced R.C. 2151.04(D), the juvenile court effectively amended the complaint pursuant to Juv.R. 22(B) and Civ.R. 15(B). Lastly, CCDCFS presented evidence of conditions that were adverse to the normal development of the children, including unsanitary conditions in the home and the fact that children did not attend school on a consistent basis, which warranted state intervention. The record supported the juvenile court's findings, and the judgments are not against the manifest weight of the evidence.*

**114418** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
IN RE: A.M., ET AL.

Affirmed.

Sean C. Gallagher, J., Emanuella D. Groves, P.J., and Mary J. Boyle, J., concur.

**KEY WORDS:** *Parent; child; adjudication; dependent; manifest weight; amended; complaint; Juv.R. 22(B); Civ.R. 15(B); R.C. 2151.04(C); condition or environment; unsanitary conditions; home; school attendance.*

*Affirmed juvenile court's judgments that adjudicated two of mother's children to be dependent pursuant to R.C. 2151.04(C) and adopted the court's earlier orders placing the children under the protective supervision of the Cuyahoga County Division of Children and Family Services. The juvenile court effectively amended the complaint pursuant to Juv.R. 22(B) and Civ.R. 15(B). The agency presented evidence of conditions or environmental elements that were adverse to the normal development of the children, including unsanitary conditions in the home, the non-existent or extremely poor school attendance of the children, and other factors, which warranted state intervention. The record supported the juvenile court's findings, and the judgments were not against the manifest weight of the evidence.*

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 7 of 7

<b>114481</b>	BOARD OF TAX APPEALS	H	Admin Appeal
BLAKE BERMAN, ET AL. v CUYAHOGA COUNTY BOARD OF REVISION, ET AL.			

Affirmed.

Michael John Ryan, J., Eileen A. Gallagher, A.J., and Deena R. Calabrese, J., concur.

**KEY WORDS:** *Board of tax appeals; county fiscal officer; board of revision; administrative appeal; triennial update; arm's-length transaction; discovery; Ohio administrative code.*

**Judgment affirmed.** *The BTA did not err in upholding the BOR's decision to retain the county's valuation, which was based on the recent arm's-length sale of the subject property. The appellants voluntarily waived their right to a hearing before the BTA; therefore, the exhibits they attached to their merit brief amounted to new evidence that the board rightly struck from evidence.*

*There is no merit to appellants' constitutional claims because appellants could not show that they were subjected to an intentional and systematic attempt by county officials to discriminate against them. The use of a sale price that was a result of an arm's-length transaction, even if not uniform with neighboring property values, does not violate uniformity under the Ohio Constitution.*

<b>114596</b>	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: A.M.			

Affirmed.

Eileen T. Gallagher, J., Lisa B. Forbes, P.J., and Deena R. Calabrese, J., concur.

**KEY WORDS:** *Permanent custody; clear and convincing evidence; sufficient evidence; manifest weight of the evidence; best interest of the child; violence; aggression.*

**Trial court's conclusion that the child could not be placed with either parent within a reasonable time and that permanent custody was in child's best interest was supported by sufficient evidence and by the manifest weight of the evidence.**