

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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May 29, 2025

114006 PARMA MUNI. C Criminal Muni. & City
CITY OF PARMA HEIGHTS v JIMMY L. STORY

Vacated and remanded.

Deena R. Calabrese, J., and William A. Klatt, J.,* concur; Sean C. Gallagher, P.J., dissents (with separate opinion).

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

KEY WORDS: *Waiver of right to counsel; Crim.R. 10(C); Crim.R. 44; Crim.R. 2(D); Crim.R. 2(C).*

Vacated and remanded. Appellant's waiver of his right to counsel was not knowingly, voluntarily, and intelligently made where the trial court did not engage in a Crim.R. 10(C) colloquy with appellant.

114149 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
CHERYL SHEPHARD v CROSSCOUNTRY MORTGAGE, INC., ET AL.

Affirmed.

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

KEY WORDS: *Jury trial; age discrimination; McDonnell Douglas analysis; motion for directed verdict; motion for JNOV; R.C. 4112.14(A); prima facie case; legitimate nondiscriminatory reason; pretextual; punitive damages; actual malice; motion for new trial; Civ.R. 59(A); abuse of discretion; Civ.R. 49(B); jury interrogatories; jury verdict; jury confusion and irregularities; Evid.R. 408; severance agreement; failure to object.*

Appellant appeals trial court's judgments entries journalizing jury verdicts and the denial of various motions and evidentiary rulings by the trial court throughout the ten-day jury discrimination trial against its ex-employee appellee. On review, we find the trial court properly denied appellant's motions for directed verdict and motion for JNOV as to appellee's claims for discrimination and for punitive damages. The case properly went to the jury who found discrimination and awarded punitive damages.

The trial court also did not abuse its discretion in making evidentiary rulings against appellant or in denying appellant's several motions for a new trial. The trial court properly resolved the jury's confusion regarding the multiple interrogatories and general verdict forms.

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114259	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v DEMAREA DANIELS			

Affirmed in part and vacated in part.

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

KEY WORDS: *Admission of evidence; abuse of discretion; photographs; plain error; bench trial; ineffective assistance of counsel; discharge of appointed counsel; good cause; communication breakdown; failure to file motion to suppress; identification procedure; unduly suggestive; futile act; sufficiency of the evidence; R.C. 2917.32(A)(3); false report; burden of production; manifest weight of the evidence.*

The trial court did not commit plain error in admitting photographs. Appellant did not receive ineffective assistance of counsel. There was insufficient evidence to support appellant's conviction for making false alarms under R.C. 2917.32(A)(3). Appellant's other convictions were not against the manifest weight of the evidence.

114274	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: C.W.			

Reversed and remanded.

Michael John Ryan, J., and Anita Laster Mays, J., concur; Mary J. Boyle, P.J., concurs (with separate opinion).

KEY WORDS: *Civ.R. 60(B) motion for relief from judgment; abuse of discretion; notice; excusable neglect; hearing.*

Judgment reversed; case remanded for hearing. The trial court abused its discretion by denying the appellant's Civ.R. 60(B) motion for relief from judgment without a hearing. Appellant presented sufficient evidence of excusable neglect to warrant a hearing on the Civ.R. 60(B) motion.

114382	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JAIWON WILLIAMS			

Affirmed.

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

KEY WORDS: *Sufficiency of the evidence; manifest weight of the evidence; discharge of a firearm on or near prohibited premises; circumstantial evidence; upon or over a public road or highway;*

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(Case 114382 continued)

possession of a dangerous ordnance; constructive possession; consecutive sentences on firearm specifications; transaction; R.C. 2923.162(A)(3); R.C. 2923.17(A); R.C. 2929.14(C)(1)(a); R.C. 2929.14(B)(1)(b); R.C. 2929.14(B)(1)(g).

Judgment affirmed. There was sufficient evidence to support appellant's convictions, and they were not against the manifest weight of the evidence where circumstantial evidence established appellant's presence at the shooting, that he shot over a roadway, and that he possessed a firearm. The court did not err when it sentenced appellant to consecutive sentences on firearm specifications where the events occurred on different dates and at different locations.

114396	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v SHANIQUA MENEFE			

Affirmed.

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

KEY WORDS: *Agreed upon sentence; R.C. 2953.08(D)(1).*

Appellant's sentence for involuntary manslaughter and felonious assault was not subject to appellate review because it was authorized by law, recommended jointly by the defendant and the prosecution, and imposed by the trial court.

114426	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: J.G.			

Affirmed.

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

KEY WORDS: *Business records; detention-center recordings; authentication; Evid.R. 901; prosecutorial misconduct; prejudice; vouch for; credibility; manifest weight of the evidence.*

Trial court's erroneous admission of defendant's school profile record without proper authentication was harmless where the evidence contained in the record was duplicative of other evidence.

Trial court's admission of detention-center phone calls into evidence was proper where the content of the phone calls was sufficient to identify the caller as the defendant.

Trial court's erroneous admission into evidence of detention-center phone log was harmless where the evidence contained in the log was duplicative of other evidence.

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(Case 114426 continued)

Although prosecutor inappropriately vouched for the credibility of witnesses, his misconduct did not warrant reversal where there was no evidence of prejudice.

Delinquency adjudications were not against the manifest weight of the evidence.

114467	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
YELLOW BRICK ROAD AUCTIONS, LLC v GRADY L. DIXON			

Reversed, vacated, and remanded.

Eileen A. Gallagher, A.J., Emanuella D. Groves, J., and Deena R. Calabrese, J., concur.

KEY WORDS: *Contract damages; compensatory damages; specific performance; adequate remedy; money damages; sale of automobile at auction; App.R. 12(A)(1)(c).*

Appellant and appellee entered into a contract for appellee to sell appellant's vehicle at an online auction. Appellant's vehicle received the agreed upon minimum bid of \$12,000. Appellant then breached the agreement and refused to sell the vehicle. Under the terms of the agreement, appellee was entitled to 12 percent of the selling bid and 8 percent from at bidder's premium when the vehicle was sold.

The case proceeded to a bench trial where the trial court awarded appellee specific performance ordering appellant to transfer his vehicle to the winning bidder.

On appeal, appellant argued in his first assignment of error the trial court erred in awarding specific performance, and we agree. The evidence presented at trial shows that money damages are an adequate relief for appellee. We therefore sustain his first assignment of error finding the trial court abused its discretion awarding specific performance. We also find appellant's assignments of error Nos. 2 and 3 as moot pursuant to App.R. 12(A)(1)(c).

114686	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JAMES R. WARR, III			

Affirmed in part, vacated in part, and remanded.

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

KEY WORDS: *Reagan Tokes Law; indefinite sentence; R.C. 2929.19(B)(2)(c); advisements.*

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(Case 114686 continued)

During the sentencing hearing, the trial court did not fully notify the defendant-appellant of the Reagan Tokes Law advisements specified in R.C. 2929.19(B)(2)(c). The error did not undermine the conviction, but the appropriate remedy is to remand the case for the limited purpose of the trial court providing the required notifications.

114749	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: T. B.			

Affirmed.

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

KEY WORDS: *Permanent custody; termination of parental rights; R.C. 2151.353(A)(4); R.C. 2151.414(B)(1); R.C. 2151.414(D)(1); R.C. 2151.414(D)(2); R.C. 2151.414(E); best interests; manifest weight; sufficiency; substance abuse; homelessness; case-plan compliance.*

Judgment affirmed. *The juvenile court did not err in granting permanent custody of T.B. to the Cuyahoga County Division of Children and Family Services. The evidence supported the court's finding under R.C. 2151.414(B)(1)(d) that T.B. had been in agency custody for over 12 of 22 consecutive months and that permanent custody was in the child's best interest. Despite mother's recent progress, the court found she had a chronic history of substance abuse and relapse, lacked stable housing, and had previously had her parental rights terminated with respect to one of T.B.'s siblings. The agency's efforts at reunification were unsuccessful, and the child needed permanency after more than two years in care. The court's determinations under both R.C. 2151.414(D)(1) and (D)(2) were supported by clear and convincing evidence and the judgment was not against the manifest weight of the evidence.*