

CASE DECISION LIST

December 29, 2022

111122 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
RICHARD PLISHKA v WILLIAM SKURLA, ET AL.

Reversed and remanded.

Eileen T. Gallagher, J., Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Abuse-of-process; church subject-matter jurisdiction; ecclesiastical abstention doctrine; secular; hierarchical; congregational; church discipline; church procedures; dismiss; suspension.*

The trial court erred in denying the defendants' motion to dismiss for lack of subject-matter jurisdiction. The trial court lacked subject-matter jurisdiction pursuant to the ecclesiastical abstention doctrine because the resolution of the plaintiff's abuse-of-process claim is inextricably entangled with ecclesiastical concerns.

111141 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v PAUL TATE

111142 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v PAUL TATE

Affirmed.

Michelle J. Sheehan, J., and Kathleen Ann Keough, J., concur; Frank Daniel Celebrezze, III, P.J., dissents (with separate opinion attached).

KEY WORDS: *Right to appeal sentence; R.C. 2953.08; notice of hearing; abuse of discretion; Crim.R. 52(B); notice of plain error.*

The trial court terminated an offender's term of community-control sanctions early after it found the offender violated those community-control sanctions. The state filed an appeal of right under R.C. 2953.08, arguing that the trial court's early termination was a sentence contrary to law and also sought leave to appeal the trial court's decision. The state also sought and was granted leave to appeal. The trial court did not abuse its discretion by providing the state with two days' notice of the community-control-sanction-violation hearing. The state received the notice of the hearing and did not seek a continuance or appear at the hearing. On appeal, the state failed to argue plain error occurred. Further, the trial court's early termination of the term of the community-control sanctions in this case would not amount to plain error where it is apparent a miscarriage of justice occurred or the error affects the fairness or integrity of judicial proceedings.

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111381 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v BRIANA SAFO

Affirmed.

Lisa B. Forbes, J., Sean C. Gallagher, A.J., and Mary Eileen Kilbane, J., concur.

KEY WORDS: *Assault of a peace officer; obstructing official business; creating a risk of physical harm; sufficiency of the evidence; manifest weight of the evidence; ineffective assistance of counsel.*

Defendant's convictions for assault of a peace officer and obstructing official business are affirmed. Undisputed evidence from a police body camera showed that defendant interfered with the arrest of her brother and blocked traffic on a major road. Additionally, she punched the police officer in the face when he arrested her. Counsel was not ineffective, because filing a motion to suppress would have been futile given the evidence presented against defendant and failure to call a witness is a matter of trial strategy.

111642 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: J.T.

Affirmed.

Eileen T. Gallagher, J., Sean C. Gallagher, A.J., and Mary Eileen Kilbane, J., concur.

KEY WORDS: *Legal custody; juvenile court; custody; maternal grandmother; visitation; best interests of the child; mental health; parenting; discipline; family counseling; wishes of the child.*

The juvenile court did not abuse its discretion in denying Father's motion for legal custody and awarding legal custody of his minor child to the maternal grandmother under R.C. 2151.353(A)(3).

111766 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: L.B.

Affirmed.

Frank Daniel Celebrezze III, P.J., Mary Eileen Kilbane, J., and Eileen T. Gallagher, J., concur.

KEY WORDS: *Termination of parental rights; permanent custody; motion for continuance; R.C. 2151.414; expert testimony; ineffective assistance of counsel.*

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(Case 111766 continued)

The judgment of the juvenile court granting permanent custody to the agency is affirmed. The juvenile court did not err in failing to grant a date-of-trial continuance and properly applied R.C. 2151.414. The trial court's findings were supported by competent, credible evidence. Finally, Mother did not receive ineffective assistance of counsel.