

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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May 25, 2023

111596 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v RAYNELL LOWE

Affirmed.

Emanuella D. Groves, J., Anita Laster Mays, A.J., and Kathleen Ann Keough, J., concur.

KEY WORDS: *Manifest weight of the evidence; ineffective assistance of counsel; hearsay.*

The appellant's convictions were not against the manifest weight of the evidence where testimony established that the two-year-old victim had been violently shaken by an adult and that appellant was the only adult present. The medical experts debunked the claim that the victim's six-year-old brother caused the injuries by putting the child in a box and jumping on it. Further, they debunked that the victim's fall from the top of a bunk bed a week earlier caused the injuries.

Whether statements were hearsay will be reviewed under the plain error standard where appellant did not object to them. Accordingly, he must establish he was prejudiced in order to prevail. Here, two of the statements qualified as nonhearsay statements by police officers that explained the next step in the investigation. Appellant failed to establish he was prejudiced by the third statement, because four witnesses had already testified to the information contained therein.

Finally, appellant failed to establish that he received ineffective assistance of counsel when his lawyer did not object to the aforementioned statements.

111739 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v DANIEL WILLIAMS, JR.

Affirmed.

Emanuella D. Groves, J., Frank Daniel Celebrezze, III, P.J., and Eileen A. Gallagher, J., concur.

KEY WORDS: *CCDCFS social worker; sexual assault; State v. Boston; assignment of error; Evid.R. 410; constitution; due process; Crim.R. 29; acquittal; force; manifest weight of evidence; sufficiency; prosecutorial misconduct; abuse of discretion; expert witness; credibility; factfinder; investigation; disposition; admissibility of plea negotiations; Frazier test; subjective expectation; reasonableness; motion for acquittal; R.C. 2907.02; sexual conduct; force; State v. Dye; position of authority.*

Defendant appealed his convictions for rape by force of a child

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(Case 111739 continued)

under thirteen and gross sexual imposition, claiming five assignments of error. Argued that the trial court erred when it allowed testimony of the CCDCFS social worker concerning the disposition of their investigation. The appellate court finds no abuse of discretion in allowing the testimony since the social worker did not directly opine on M.B.'s credibility. The trial court did not abuse its discretion when it allowed the jury to hear evidence of plea discussions, because the defendant did not have a subjective expectation that he was negotiating a plea during the jail calls. Sufficient evidence was presented as to each element of the crimes charged, including force, thus the Appellant's motion for acquittal was properly denied. The jury found the defendant guilty based on the evidence presented, including the victim's testimony, which described the abuse and her fear during the incidents. The court does not find that the evidence weighs heavily against the conviction. As a result, the Appellant's conviction is upheld, and the judgment is affirmed.

111840 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v MICHELLE KRONENBERG

Affirmed.

Frank Daniel Celebrezze, III, P.J., Kathleen Ann Keough, J., and Lisa B. Forbes, J., concur.

KEY WORDS: *Right to counsel; waiver; voluntarily, knowingly, and intelligently; de novo review; competency; R.C. 2945.37(A); competent to waive right to counsel.*

The trial court properly assessed appellant's competency and found that appellant was competent to stand trial and waive her right to counsel. Appellant's second assignment of error was overruled due to lack of briefing, pursuant to App.R. 12(A).

111885 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
ARCHON CAPITAL LP, ET AL. v CUYAHOGA COUNTY BOARD OF REVISION, ET AL.

Reversed and remanded.

Kathleen Ann Keough, J., Frank Daniel Celebrezze, III, P.J., and Lisa B. Forbes, J., concur.

KEY WORDS: *R.C. 5717.05; appeal; Board of Revision; tax valuation; abuse of discretion; evidentiary hearing.*

In appeal to the common pleas court of decisions by the Board of Revision regarding residential tax valuations, trial court did not abuse its discretion in not holding an evidentiary hearing where appellants-property owners, who had the burden to establish their proposed values with competent and probative evidence, did not

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(Case 111885 continued)

request any discovery; trial court's decisions affirming the BOR's decisions reversed and remanded where the trial court's journal entries indicated the trial court reviewed only the parties' briefs on appeal but did not thoroughly and comprehensively review the entire record before rendering its decisions.

112034 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v ERIS LIGON

Affirmed.

Lisa B. Forbes, J., Frank Daniel Celebrezze, III, P.J., and Eileen A. Gallagher, J., concur.

KEY WORDS: Reagan Tokes Law.

Appellant's sentence under the Reagan Tokes Law is affirmed pursuant to this court's en banc decision in State v. Delvallie, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.).

112105 DOMESTIC RELATIONS F Civil C.P.-Juv, Dom, Probate
CALVIN WILSON v GERALDINE WILSON

Affirmed.

Mary J. Boyle, J., Anita Laster Mays, A.J., and Michelle J. Sheehan, J., concur.

KEY WORDS: Presumption of regularity; Civ.R. 53(D); bootstrapping; R.C. 3105.73; Loc.R. 21; R.C. 2323.51; frivolous conduct; postdecree motion; attorney fees; sanctions; abuse of discretion.

Judgment affirmed. The trial court did not abuse its discretion by denying Geraldine's motion for attorney fees and sanctions. Loc.R. 21 does not conflict with R.C. 3105.73. R.C. 3105.73 provides an avenue for seeking attorney fees and litigation expenses in postdecree proceedings and Loc.R. 21 establishes the procedures and deadlines for doing so. Moreover, appellee's questionable credibility, losing legal battles, and incorrect factual assertions did not rise to the level of "frivolous conduct" contemplated by R.C. 2323.51.

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112354	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v ELLORD WELLS			

Reversed and remanded.

Frank Daniel Celebrezze, III, P.J., Kathleen Ann Keough, J., and Lisa B. Forbes, J., concur.

KEY WORDS: Jail-time credit; R.C. 2967.191(A); computation of jail-time credit; continuing jurisdiction to correct jail-time credit.

Pursuant to R.C. 2967.191(A), a defendant is entitled to jail-time credit for time served in jail prior to posting bond. Therefore, the trial court erred in computing defendant's jail-time credit at sentencing when it failed to include the jail time that the defendant served before posting bond.