

Court of Appeals of Ohio

Eleventh Appellate District

Diane V. Grendell
Judge

Timothy P. Cannon
Judge

Colleen Mary O'Toole
Judge

111 High Street, N.E., Warren, Ohio 44481
Telephone: (330) 675-2650
Facsimile: (330) 675-2655
Ashtabula Geauga Lake Portage Trumbull

Cynthia Westcott Rice
Judge

Thomas R. Wright
Presiding/Administrative Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

March 12, 2018

RELEASE

ASHTABULA

2017-A-0028 STATE OF OHIO, Plaintiff-Appellee v. WILLIAM M. STROUD, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [GRENDALL] (RICE) (O'TOOLE)

CRIMINAL - Sexual Imposition; R.C. 2907.06(A)(1); intent; reckless; sexual contact; weight of the evidence; ineffective assistance of counsel; jury demand.

2017-A-0054 STATE OF OHIO, Plaintiff-Appellee v. GABRIELLE ANTOINETTE JOSEPHINE NEUROTH a.k.a. NEUROTH, GABRIELLE A., Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (GRENDALL) (CANNON)

CRIMINAL LAW - motion to suppress evidence; dispatch; hotel; report of chemical odor emanating from room; possible stolen vehicle; knock; several minutes to respond; officers notice no odor outside; invited into room; consent; odor apparent; probable cause; exigent circumstances; methamphetamine lab discovered in box springs; no error in denying motion.

2017-A-0060 IN THE MATTER OF: K.Q., NEGLECTED CHILD

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (GRENDALL) (CANNON)

JUVENILE - termination of temporary custody; award of legal custody to a third party; R.C. 2151.011(B)(21); legal custody; intended to be permanent; not as drastic as permanent custody; best interest factors; R.C. 3109.04(F); no abuse of discretion.

GEAUGA

2017-G-0142 TRICIA FILBY, Plaintiff-Appellee v. DAVID LEE FILBY, Defendant-Appellant.

Appeal dismissed. Grendell, J., concurs in judgment only with a Concurring Opinion. See Memorandum Opinion and Judgment Entry. [CANNON] (WRIGHT) (GRENDSELL) APPELLATE REVIEW - vexatious litigator; R.C. 2323.52; leave to proceed; lack of jurisdiction; appeal dismissed.

LAKE

2016-L-039 STATE OF OHIO, Plaintiff-Appellee v. DAWUD WILSON, Defendant-Appellant.

Judgment affirmed. Cannon, J., concurs in part and dissents in part, with a Concurring/Dissenting Opinion. See Opinion and Judgment Entry. [RICE] (GRENDSELL) (CANNON)

CRIMINAL LAW - SEARCH & SEIZURE - officer had reasonable articulable suspicion of criminal activity that warranted his investigatory stop of appellant after his commission of a bank robbery; Apprendi issue; waiver; plain error; since appellant waived his right to have jury try his RVO specification during his no contest plea and admitted all facts necessary to enhance his sentence as an RVO, the trial court did not commit plain error in sentencing him.

2016-L-129 STATE OF OHIO, Plaintiff-Appellee v. KELLEN M. CORTI, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (WRIGHT) (CANNON) CRIMINAL LAW - SENTENCING/FINES, RESTITUTION, EXPUNGEMENT - trial court's imposition of consecutive sentences on five counts of burglary was not contrary to law as the statutory findings for such sentences were supported by the record.

2017-L-076 ERIC ASTON, Plaintiff-Appellant v. KATHRYN ASTON, et al., Defendant-Appellee.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (WRIGHT) (CANNON) APPELLATE REVIEW - trial court did not abuse its discretion in granting motion to modify parenting time because appellant failed to comply with numerous Ohio Appellate Rules regarding the procedural requirements for a brief; appellant failed to include table of contents, table of cases, statement of case, statement of facts supported by references to record, any assignments of error, a separate argument with citations to legal authority in support of each assignment of error, or a statement of issues presented for review.

2017-L-106 STATE OF OHIO, Plaintiff-Appellee v. LAWRENCE M. BOLDEN, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (WRIGHT) (GRENDALL)

CRIMINAL LAW - SENTENCING/FINES, RESTITUTION, EXPUNGEMENT - since the trial court said it considered the seriousness factors in R.C. 2929.12 and discussed the pertinent factors as they related to this case, the trial court considered these factors and, for this reason, we cannot clearly and convincingly say appellant's sentence was contrary to law.

TRUMBULL

2017-T-0009 STATE OF OHIO, Plaintiff-Appellee v. DELORES KARNOFEL, Defendant-Appellant.

Judgment affirmed. Grendell, J., concurs in judgment only. See Opinion and Judgment Entry. [RICE] (WRIGHT) (GRENDALL)

CRIMINAL LAW - zoning; two counts of exterior maintenance violations; actively attempting to ameliorate; challenges weight of the evidence; defense to charges; no transcript; App.R. 9(B); appellate court cannot evaluate the evidence; appellant cannot demonstrate error.