

Court of Appeals of Ohio

Eleventh Appellate District

Cynthia Westcott Rice
Administrative Judge

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March 9, 2020

R E L E A S E

ASHTABULA

2019-A-0064

STATE OF OHIO, Plaintiff-Appellee v. EUGENE C. ANTHONY, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (LYNCH) CRIMINAL LAW- assault conviction not against the manifest weight of the evidence; trial court rejected self-defense argument; to establish self-defense, one must prove three elements: "(1) the defendant was not at fault in creating the violent situation, (2) the defendant had a bona fide belief that [he] was in imminent danger of death or great bodily harm and that [his] only means of escape was the use of force, and (3) that the defendant did not violate any duty to retreat or avoid the danger." State v. Goff, 128 Ohio St.3d 169, 2010-Ohio-6317, 942 N.E.2d 1075, ¶ 36.

GEAUGA

2019-G-0221

STATE OF OHIO, Plaintiff-Appellee v. JOSEPH D. ULATOWSKI, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (CANNON) (RICE) CRIMINAL - speedy trial; request for final disposition; R.C. 2941.401; involuntary plea; felony sentencing; jail time credit; consecutive sentences; R.C. 2929.41; maximum sentence; judicial release; R.C. 2929.20.

2019-G-0226

STATE OF OHIO, Plaintiff-Appellee v. RAYMOND A. MILLER, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (RICE) (WRIGHT) POSTCONVICTION RELIEF - R.C. 2953.21; ineffective assistance of counsel; no substantive grounds for relief; defense counsel's statement corrected prior to entering guilty plea; petition denied

without a hearing.

LAKE

2014-L-021

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP fka COUNTRYWIDE HOME LOANS SERVICING, LP, Plaintiff-Appellee v. NANCY K. GREVE, et al., Defendants-Appellants.

Upon recommendation of the Administrative Counsel, the motion is granted, and this appeal is hereby dismissed. See Judgment Entry. [LYNCH] (WRIGHT) (TRAPP)

2019-L-037

STATE OF OHIO, Plaintiff-Appellee v. TODD MASTERS, II, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (CANNON) (RICE) CRIMINAL LAW - Complicity in commission of insurance fraud; R.C. 2913.47(B); filing of deceptive claim based upon alleged theft; aiding and abetting homeowner in filing deceptive claim by committing theft; manifest weight of the evidence.

2019-L-076

STATE OF OHIO, Plaintiff-Appellee v. CLIFFORD D. TAYLOR, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (CANNON) (TRAPP) CRIMINAL - postsentence motion to withdraw guilty plea; Crim.R. 32.1; res judicata; manifest injustice.

PORTAGE

2019-P-0064

STATE OF OHIO, Plaintiff-Appellee v. WILLIAM T. FERRELL, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [LYNCH] (WRIGHT) (TRAPP)

APPELLATE REVIEW - untimely appeal; App.R. 4(A)(1); App.R. 5(A); thirty-day rule; nunc pro tunc; clerical error; substantive rights.

TRUMBULL

2019-T-0020

STATE OF OHIO, Plaintiff-Appellee v. KEVIN SCOTT WHITTAKER, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (LYNCH) CRIMINAL LAW - domestic violence conviction not against the manifest weight of evidence; State v. Thompkins, 78 Ohio St.3d 380, 1997-Ohio-52, 678 N.E.2d 541 (1997).

2019-T-0025

STATE OF OHIO, Plaintiff-Appellee v. ANTONIO DARNELL MALLORY, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (LYNCH) (TRAPP) CRIMINAL LAW - motion to waive payment of court costs; not barred by res judicata; R.C. 2947.23(C); not required to consider offender's ability to pay; not required to make findings.

2019-T-0027 DEBRA PIROCK, et al., Plaintiffs-Appellants v. FREDERICK CRAIN, et al., Defendants-Appellees.

Judgment reversed and remanded. See Opinion and Judgment Entry. [TRAPP] (CANNON) (LYNCH)

CIVIL – concealment of assets; R.C. 2109.50; motion in limine; motion to suppress; hearsay; Evid.R. 801(C); Evid.R. 802; statement by decedent; personal representative; rebuttal; Evid.R. 804(B)(5); statement of then existing state of mind; Evid.R. 803(3); relevance; Evid.R. 401; Evid.R. 402; sufficiency; abuse of discretion; material prejudice; Civ.R. 12(B)(6); evidence or allegations outside the complaint; notice of conversion into a motion for summary judgment; harmless error; Civ.R. 56; no objection to non-Rule 56(C) evidence; weight of evidence; title to assets upon death; proximity; possession.

2019-T-0044 DONALD E. WALTERS, et al., Plaintiffs-Appellees v. DANIEL GODDARD, et al., Defendants-Appellants.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (LYNCH) (TRAPP)

CIVIL - DAMAGES - breach of residential real estate agreement; subsequent offer to purchase residence established fair market value of home at the time of breach because it was an agreed upon price between a willing seller and a willing buyer in a voluntary sale on the open market within a reasonable time after the breach.