

Court of Appeals of Ohio

Eleventh Appellate District

Diane V. Grendell
Judge

Timothy P. Cannon
Judge

Colleen Mary O'Toole
Judge

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Cynthia Westcott Rice
Judge

Thomas R. Wright
Presiding/Administrative Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

APRIL 16, 2018

R E L E A S E

ASHTABULA

2016-A-0034

STATE OF OHIO, Plaintiff-Appellee v. JAMIE FIGUEROA, Defendant-Appellant.

Judgment affirmed. O'Toole, J., concurs in part and dissents in part, with a Concurring/Dissenting Opinion. See Opinion and Judgment Entry. [RICE] (WRIGHT) (O'TOOLE)

CRIMINAL LAW - felonious assault; three counts; cautionary instruction; provided; no evidence of prejudice; no abuse of discretion; Crim.R. 29; intention to harm; surrounding circumstances; attempt; criminal purpose; substantial step; verbal threat; violent behavior; brandishing relatively large knife; sufficient evidence; knowingly attempted.

2018-A-0006

2018-A-0010

2018-A-0011

2018-A-0012

2018-A-0013

2018-A-0014

2018-A-0015

STATE OF OHIO, Plaintiff-Appellee v. Orlando Lazaar Bradley-Lewis, Defendant-Appellant.

Appeals dismissed. See Memorandum Opinion and Judgment Entry. [O'TOOLE] (WRIGHT) (RICE)

APPELLATE REVIEW-CRIMINAL - R.C. 2505.02; denial of motion to recuse a judge is not a final order; in a criminal case, a sentence which disposes of the cause is the basis for appeal.

GEAUGA

2017-G-0118

BRIAN J. WRIGHT, Plaintiff-Appellant v. ELIZABETH D. WRIGHT, Defendant-Appellee.

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

DOMESTIC RELATIONS - CHILD CUSTODY - allocation of parental rights and responsibilities; no shared parenting plan filed; R.C. 3109.04; best interest of the children; the court is not limited to the factors listed in the statute and may consider other relevant factors; issue raised for the first time during oral argument.

LAKE

2017-L-077

VILLAGE OF TIMBERLAKE, Plaintiff-Appellee v. YOLANDA A. GRAHAM, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (CANNON) (O'TOOLE)

CRIMINAL LAW – Defendant's discovery request; Service upon prosecutor; Civ.R. 5(B)(2)(e); inability to locate address; verification of steps taken to locate address; request not properly before trial court when rule for service is not satisfied; sufficiency of traffic citation to state offense; Traff.R. 3(B); officer's qualification to operate radar gun; waiver; written certification unnecessary.

2017-L-100 &
2017-L-101

STATE OF OHIO ex rel. KENNETH J. CAHILL, IN HIS INDIVIDUAL CAPACITY AND ON BEHALF OF THE VILLAGE OF MADISON, et al., Petitioners-Appellants v. VILLAGE OF MADISON, et al., Respondents-Appellees.

Judgment affirmed. See Opinion and Judgment Entry. [GRENDALL] (RICE) (CANNON) CIVIL - taxpayer action; R.C. 733.59; mandamus; injunction; abuse of corporate powers; gross abuse of legislative discretion; conflict of interest; fire districts; R.C. 505.371; official capacity; production of documents; motion to compel.

2017-L-174

SHAWN ROBINSON, et al., Plaintiffs-Appellees v. THOMAS W. FERGUSON INSURANCE AGENCY, INC., et al., Defendants-Appellants.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and this appeal is hereby settled and dismissed. See Judgment Entry. [WRIGHT] (RICE) (CANNON)

PORTAGE

2017-P-0045

IN THE MATTER OF: L.R.R., DEPENDENT CHILD

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

JUVENILE - legal custody; standing; dependent; totality of the circumstances; foster a relationship; equally suitable custodians; child's adjustment to the home; abuse of discretion.

2017-P-0047

IN THE MATTER OF: L.R.R., DEPENDENT CHILD

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

JUVENILE - legal custody; dependent; arbitrary; totality of the circumstances; equally suitable custodians; child's adjustment to the home; abuse of discretion.

2017-P-0060 IN THE MATTER OF: L.R.R., DEPENDENT CHILD

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

JUVENILE - legal custody; dependent; extension of temporary custody; children's services; R.C. 2151.417; retain custody; best interest; abuse of discretion.

TRUMBULL

2016-T-0117 & STATE OF OHIO ex rel. VINCENT PRINDLE, et al., Petitioners-
2016-T-0118 Appellants v. THE BOARD OF COUNTY COMMISSIONERS,
Respondent-Appellee.

Judgment affirmed. Wright, P.J., concurs in judgment only; O'Toole, J., dissents. See Opinion and Judgment Entry. [RICE] (WRIGHT) (O'TOOLE)

EXTRAORDINARY WRITS - mandamus; appellants' argument that the county's installation of curbing destroyed their access from the street directly to the ramp/main entrance for loading lacked merit because they still had access to the ramp/main entrance just a few feet to the left of the ramp; contrary to appellants' argument, the curbing did not prevent them from using the ramp and main entrance to load merchandise; as a result, there was no taking because, after the construction, trucks can still be loaded at the ramp; city had right to install curb, tree lawn, and sidewalk within the right-of-way and, once installed, appellants could not use the right-of-way to turn around because this would be inconsistent with city's right of improvement and uninterrupted travel; because appellants had no right to park in front of building, city's improvement project did not result in taking of such alleged right; appellants failed to prove that parking in front of the building constituted nonconforming use; trial court did not abuse its discretion in denying appellants a writ of mandamus and in finding they failed to present clear and convincing evidence that county destroyed or substantially impaired their access to the main entrance or to front of building for parking.