

# 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  
Presiding/Administrative Judge

Thomas R. Wright  
Judge

Shibani Sheth-Massacci  
Court Administrator/Magistrate/  
Administrative Counsel

**April 17, 2017**

**R E L E A S E**

### **ASHTABULA**

2016-A-0057 & 2016-A-0058 STATE OF OHIO, Plaintiff-Appellee v. DOUGLAS L. MOTGOMERY, Defendant-Appellant.

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

CRIMINAL - motion to withdraw guilty plea; presentence; abuse of discretion; *Peterseim* factors; represented by highly competent counsel; complete and impartial hearing; full and fair consideration; counsel presumed competent.

2016-A-0060 STATE OF OHIO, Plaintiff-Appellee v. STEVEN S. DROUGHT, Defendant-Appellant.

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

CRIMINAL LAW - SENTENCING - Guilty plea to felonious assault with 18-month prison term; R.C. 2953.08(G)(2); appellant avers the trial court failed to consider applicable seriousness and recidivism factors; defendant bears burden to rebut the presumption that court considered requisite, applicable factors; sentence is not contrary to law.

### **GEAUGA**

2016-G-0074 FRANCINE KNOP, et al., Plaintiffs-Appellees v. RICHARD DAVET, et al., Defendants-Appellants.

Appeal dismissed. Grendell, J., concurs in judgment only with a Concurring Opinion. See Memorandum Opinion and Judgment Entry. [CANNON] (GRENDSELL) (WRIGHT)

CIVIL - forcible entry and detainer; recovery of money; no request for stay; premises vacated; judgment granting writ of restitution is moot; outstanding claims; appeal dismissed.

2016-G-0091      IN RE: CHANGE OF NAME OF C.M.T. TO C.M.W-T.  
Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (O'TOOLE)  
PROBATE - Application to change son's surname from mother's  
surname only to combined hyphenated surnames of both parents;  
R.C. 2717.01(B); factors from In re Willhite, 85 Ohio St.3d 28 (1999);  
no abuse of discretion.

2017-G-0106      FATICA RENOVATIONS, LLC, Plaintiff-Appellee v. WILLIAM W.  
BRIDGE, III, et al., Defendant-Appellant.  
Appeal dismissed. See Memorandum Opinion and Judgment Entry. [RICE] (WRIGHT)  
(O'TOOLE)  
APPELLATE REVIEW - R.C. 2505.02(B); granting of preliminary  
injunction is generally not a final appealable order where a  
permanent injunction is sought; meaningful and effective remedy;  
lack of final appealable order.

**PORTAGE**

2016-P-0037 &      PHILLIP J. HURD, JR., Plaintiff-Appellant/Cross-Appellee v. CALLIE  
2016-P-0039      WEATHERBEE, Defendant-Appellee/Cross-Appellant.  
Judgment affirmed in part, reversed in part, and remanded. See Opinion and  
Judgment Entry. [GRENDALL] (CANNON) (WRIGHT)  
JUVENILE - allocation of parental rights and responsibilities; R.C.  
3109.042; best interest of the child; R.C. 3109.04(B); harmless error;  
Civ.R. 61; child support; R.C. 3119.22; deviation for extended  
parenting time; R.C. 3119.23; weight of the evidence.

**TRUMBULL**

2017-T-0023      STATE OF OHIO, Plaintiff-Appellee v. AUNDRE L. ARMSTRONG,  
Defendant-Appellant.  
Appeal dismissed. See Memorandum Opinion and Judgment Entry. [CANNON]  
(WRIGHT) (O'TOOLE)  
APPELLATE REVIEW - App.R. 4(A)(1); thirty-day rule; Loc.R.  
3(D)(2); no judgment entry provided.

2017-T-0025      JAY ALLEN, et al., Plaintiffs-Appellees v. PLALAN LAKES ROAD  
MAINTENANCE, INC., et al., Defendant-Appellant.  
Appeal dismissed. See Judgment Entry. [RICE] (WRIGHT) (O'TOOLE)