

Court of Appeals of Ohio

Eleventh Appellate District

Cynthia Westcott Rice
Judge

Thomas R. Wright
Presiding/Administrative Judge

Mary Jane Trapp
Judge

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Timothy P. Cannon
Judge

Matt Lynch
Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

April 8, 2019

R E L E A S E

ASHTABULA

2018-A-0036

STATE OF OHIO, Plaintiff-Appellee v. STACEY M. COTTERMAN, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (RICE) CRIMINAL LAW - SENTENCING - fifth-degree felony; maximum sentence; community control; R.C. 2929.13(B); discretion.

2018-A-0068

STATE OF OHIO ex rel. JACKIE N. ROBINSON, Relator v. OHIO ADULT PAROLE AUTHORITY, Respondent.

Petition dismissed. See Per Curiam Opinion and Judgment Entry. (WRIGHT) (LYNCH) (TRAPP).

EXTRAORDINARY WRIT - Mandamus; public records request by inmate; R.C. 2969.25(A); list of prior civil actions and appeals; affidavit attached to petition; failure to include all required information; lost of papers in prison; invalid excuse.

2019-A-0018

STATE OF OHIO, Plaintiff-Appellee v. KELSIE MARIE BLANKENSHIP, Defendant-Appellant.

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

APPELLATE REVIEW - an order for a competency evaluation is not a final appealable order; R.C. 2505.02(B)(4); provisional remedy; failed to show that evaluation would compromise attorney-client confidentiality.

LAKE

2018-L-097

ANGELA S. CIANFAGLIONE, Plaintiff-Appellant v. LAKE NATIONAL BANK (nka ERIE BANK), et al., Defendants-Appellees.

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

CIVIL - civil conspiracy; fraud; negligence; forgery on mortgage documents; damages; equitable division of property; dower rights; attorney's fees; Ohio Consumer Sales Practices Act; R.C. 1345.02; "supplier"; loan officer; national bank.

2018-L-127 STATE OF OHIO ex rel. NAQUAN A. WRIGHT, Relator v. LAKE COUNTY CLERK OF COURTS, Respondent

Petition dismissed. See Per Curiam Opinion and Judgment Entry. (WRIGHT) (RICE) (LYNCH)

EXTRAORDINARY WRIT - Mandamus; R.C. 149.43(B)(8); public records request by inmate; failure to obtain preliminary finding by sentencing judge; requested records needed to support justiciable claim; no allegation in mandamus petition as to judicial finding; failure to state viable mandamus claim.

2018-L-132 STATE OF OHIO, CITY OF EASTLAKE, Plaintiff-Appellee v. ERIC D. MOSLEY, Defendant-Appellant.

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

2019-L-002 KODIAK PROPERTY MANAGEMENT OF OHIO, INC., AGENT FOR RIPSAW INVESTMENTS, LLC d.b.a. MADISON ESTATES, Plaintiff-Appellee v. MICHAEL GIBSON, Defendant-Appellant.

Upon recommendation of the Administrative Counsel, this appeal is hereby dismissed for appellant's failure to prosecute. See Judgment Entry. [WRIGHT] (LYNCH) (TRAPP)

2019-L-008 JASON C. LUCAS, Plaintiff-Appellee v. LINDSAY N. BYERS, Defendant-Appellant.

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

PORTAGE

2017-P-0036 STATE OF OHIO, Plaintiff-Appellee v. MARC C. RABATIN, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (CANNON) (TRAPP)
CRIMINAL - Aggravated Arson; R.C. 2909.02(A)(1); sufficiency of the evidence; manifest weight of the evidence; circumstantial evidence; ineffective assistance of counsel.

2017-P-0076 BONNIE TRICKETT, Plaintiff-Appellee v. HOWARD TRICKETT, et
2017-P-0089 al., Defendants-Appellants.

Appeals dismissed. See Judgment Entry. [WRIGHT] (RICE) (TRAPP)

TRUMBULL

2018-T-0013 LEBY SASSYA, Plaintiff-Appellee v. CAROL LYNNE MORGAN (f.k.a. SASSYA), Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (WRIGHT) (TRAPP)
DOMESTIC RELATIONS - modification of child custody; due process; hearing notice; custody exchange; court interrogation of witnesses; Evid.R. 614(B); child witnesses; interference with visitation; weight of the evidence.

2018-T-0059 ANTHONY SABINO, P.O.A. FOR HELEN ERWIN, Plaintiff-Appellee v. LIBERTY HEALTH CARE CENTER, Defendant-Appellant.

Judgment affirmed in part and reversed in part; remanded. See Opinion and Judgment Entry. [CANNON] (LYNCH) (TRAPP)
CIVIL - JUDGMENTS - summary judgment; dismissal; standing; counterclaim; contract; account; municipal court.

2018-T-0063 STATE OF OHIO, Plaintiff-Appellee v. BENJAMIN N. GREEN, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (LYNCH) (TRAPP)
CRIMINAL LAW - CONSTITUTIONAL - post conviction relief; vacation of judgment; withdraw of guilty plea; judgments, findings of fact; conclusions of law; interrogation of a minor; Miranda rights; intelligent and voluntary waiver of rights; manifest injustice; abuse of discretion.

2019-T-0014 DELORES KARNOFEL, Plaintiff-Appellant v. SUPERIOR WATERPROOFING, INC., Defendant-Appellee.

Leave to proceed denied. See Judgment Entry. [TRAPP] (WRIGHT) (LYNCH)

2019-T-0015 SUPERIOR WATERPROOFING, INC., Plaintiff-Appellee v. DELORES KARNOFEL, Defendant-Appellant.

Leave to proceed denied. See Judgment Entry. [TRAPP] (WRIGHT) (LYNCH)

RELEASED
3-29-2019

2018-L-095 STATE OF OHIO, Respondent v. MICHAEL G. HINES, JR., Relator.
Dismissed. See Per Curiam Opinion and Judgment Entry. (RICE) (LYNCH) (TRAPP)
ORIGINAL ACTION - procedendo; failure to state a claim; Civ.R. 12(B)(6); affidavit of prior civil actions; affidavit of indigency; R.C. 2969.25(A) and (C); clear legal right to relief; transcript of proceedings; App.R. 9(A).

RELEASED
April 1, 2019

2018-L-069 WALTER MUSIC AND VENDING COMPANY, Plaintiff-Appellee/Cross-Appellant v. THE HUNGARIAN CULTURE CLUB, et

al., Defendant-Appellant/Cross-Appellee.

Judgment affirmed. See Opinion and Judgment Entry. [BALDWIN] (GWIN)
(DELANEY)