

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

May 14, 2018

R E L E A S E

ASHTABULA

2017-A-0030

2017-A-0031

Judgment affirmed. See Opinion and Judgment Entry. [O'TOOLE] (GRENDSELL) (RICE) STATE OF OHIO, Plaintiff-Appellee v. GREGORY ALLEN CARROLL, a.k.a. GREGERY A. CARROLL, Defendant-Appellant. CRIMINAL LAW - robbery; theft from a person in a protected class; theft; forgery; bench trial; evidentiary rulings; abuse of discretion standard of review. INEFFECTIVE ASSISTANCE OF COUNSEL - two-prong test; Evid.R. 801; Evid.R. 802; Evid.R. 803(6); Evid.R. 901(A) and (B); photocopies of bank checks are self-authenticating; restitution; Crim.R. 52(B); PSI; trial court considered appellant's present and future ability to pay; R.C. 2929.18(A)(1).

2018-A-0032

STATE OF OHIO, Plaintiff-Appellee v. FRANK W. ZAKRAJSEK, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [GRENDSELL] (WRIGHT) (RICE)

APPELLATE REVIEW - denial of motion for judicial release is not a final appealable order.

2018-A-0033

STATE OF OHIO, Plaintiff-Appellee v. FRANK W. ZAKRAJSEK, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [GRENDSELL] (WRIGHT) (RICE)

APPELLATE REVIEW - denial of motion for judicial release is not a final appealable order.

GEAUGA

2017-G-0129

SANDRA L. DAVIS, Plaintiff-Appellee v. CHARLES W. DAVIS, Defendant-Appellant.

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

DOMESTIC RELATIONS - POST-JUDGMENT INTEREST - discretionary; to stop running of interest, judgment debtor must tender unconditional offer of payment in full; husband's proposal to secure a loan was not unconditional tender; R.C. 2935.09(D) referral for prosecution must be made by affidavit; husband's motion to refer a matter for prosecution did not satisfy statutory prerequisite, and thus, trial court had no obligation to refer the matter for prosecution or assess whether the allegations had merit.

LAKE

2017-L-129

JP MORGAN CHASE BANK AS TRUSTEE, ON BEHALF OF FIRST FRANKLIN MORTGAGE LOAN TRUST 2004-FF10 ASSET BACKED CERTIFICATES, SERIES 2004-FF10, Plaintiff-Appellee v. SAUNDRA M. RITCHEY, et al., Defendants-Appellants.

Judgment affirmed. O'Toole, J., concurs in judgment only. See Opinion and Judgment Entry. [GRENDALL] (RICE) (O'TOOLE)

CIVIL - foreclosure; sheriff's sale; confirmation of sale; Lake County Local Rules 7.03 and 7.04; notice of sale; R.C. 2329.26(A); unsupported argument; App.R. 12(A)(2) and (7); appraisal; R.C. 2329.17.

PORTAGE

2017-P-0031

STATE OF OHIO, Plaintiff-Appellee v. WILLIAM TELL, III, Defendant-Appellant.

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

CRIMINAL - Rape; R.C. 2907.02(A)(2); relevant evidence; unfair prejudice; Evid.R. 403(A); victim impact evidence; weight of the evidence; felony sentencing; R.C. 2929.19(B)(2)(f).