

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
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Matt Lynch
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Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

June 10, 2019

RELEASE

ASHTABULA

2018-A-0049 STATE OF OHIO, Plaintiff-Appellee v. ROBERT DAVIES, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (LYNCH) (TRAPP)
CRIMINAL LAW - abuse of discretion; R.C. 2925.11; split sentences; void or voidable sentencing error; barred by res judicata; R.C. 2929.15 through R.C. 2929.18; Crim.R. 32.1 motion; withdrawal of guilty plea.

2018-A-0055 STATE OF OHIO, Plaintiff-Appellee v. SHAWN GREGORY
2018-A-0056 BARNARD, a.k.a. SHAWN G. BARNARD, Defendant-Appellant.

2018-A-0057
2018-A-0058
Judgment affirmed. Wright, P.J., concurs in judgment only. See Opinion and Judgment Entry. [LYNCH] (WRIGHT) (RICE)
CRIMINAL - postconviction; R.C. 2953.21; res judicata.

2018-A-0067 APRIL T. MARIOTTI, Plaintiff-Appellee v. PAUL D. MARIOTTI, SR., Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (LYNCH) (TRAPP)
DOMESTIC RELATIONS - divorce; settlement agreement; joint exhibits; wife submitted proposed judgment and husband objected; husband failed to object to five of six issues raised on appeal; waiver; issues referenced in joint exhibits; rent arrearage relates to prior court order; no error on remaining issue.

2018-A-0077 STATE OF OHIO, Plaintiff-Appellee v. KYLE ROBERT CRYTZER, Defendant-Appellant.

Judgment affirmed. Lynch, J., concurs with a Concurring Opinion. See Opinion and Judgment Entry. [TRAPP] (RICE) (LYNCH)

CRIMINAL LAW - aggravated arson; admissibility of evidence; abuse of discretion; prior inconsistent statements; effective assistance of counsel; jury deliberations; trial court's statements to jury.

2018-A-0083 STATE OF OHIO, Plaintiff-Appellee v. EDWIN M. GUYTON, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (WRIGHT) (RICE)
CRIMINAL - jail-time credit; consecutive sentences; res judicata; R.C. 2929.19(B)(2).

2018-A-0090 IN THE MATTER OF: T.C., JR., ABUSED, NEGLECTED AND DEPENDENT CHILD.

Judgment affirmed as modified. See Opinion and Judgment Entry. [TRAPP] (RICE) (LYNCH)

JUVENILE - legal custody; failure to prosecute; Civ.R. 41; final appealable order; dismissal with prejudice; abuse of discretion; notice; acceptance of stipulations; Sixth Amendment; Confrontation Clause; unsuitability; implicit determination; best interest of the child; manifest weight of the evidence; affirm as modified.

LAKE

2018-L-084 STATE OF OHIO, Plaintiff-Appellee v. SHANE PERKINS, Defendant-Appellant.
2018-L-098

Judgment affirmed. See Opinion and Judgment Entry. [TRAPP] (CANNON) (LYNCH)
CRIMINAL LAW – Jail-time credit; concurrent sentences; R.C. 2929.19(B)(2)(g)(iii); clearly and convincingly contrary to law; State v. Fugate, 117 Ohio St.3d 261, 2008-Ohio-856; Equal Protection Clause; R.C. 2929.19(B)(2)(g)(i); Ohio Adm.Code 5120-2-04; affluent counterpart; separate and unrelated charges; sentence previously imposed.

2018-L-111 STATE OF OHIO, Plaintiff-Appellee v. BRYAN B. MATHIS, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (RICE) (TRAPP)
CRIMINAL - Trafficking in Marijuana; Resisting Arrest; sufficiency of the evidence; manifest weight of the evidence; packaging of marijuana; large sum of cash; credibility; process of arrest; lawful arrest.

2018-L-133 STATE OF OHIO, Plaintiff-Appellee v. OTIS S. MILLER, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (LYNCH) (TRAPP)
CRIMINAL LAW - felony sentencing; drug arrest; R.C. 2929.12; seriousness factors; recidivism factors; specifically considered; consecutive sentences; no error.

2019-L-030 IN THE MATTER OF THE FORECLOSURE OF LIENS AND FORFEITURE OF PROPERTY FOR DELINQUENT LAND TAXES BY ACTION IN REM. TREASURER OF LAKE COUNTY, OHIO, Plaintiff-Appellee v. PARCELS OF LAND ENCUMBERED WITH DELINQUENT TAX LIENS (PARSONS, ROBERT H.), Defendant, TAX EASE OHIO, LLC, 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] (RICE) (TRAPP)

TRUMBULL

2018-T-0057 SHILOH MINISTRIES, INC., Plaintiff-Appellant v. SIMCO EXPLORATION CORPORATION, et al., Defendants-Appellees.

Judgment affirmed in part, reversed in part, and remanded. See Opinion and Judgment Entry. [TRAPP] (WRIGHT) (LYNCH)

CIVIL - summary judgment; prescriptive easement; equitable remedy; affirmative defense; impermissibly vague; scope of easement; future maintenance and repair of a prescriptive easement.