

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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Thomas R. Wright
Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

August 7, 2017

RELEASE

ASHTABULA

2016-A-0052

STATE OF OHIO, Plaintiff-Appellee v. ANDRE MCGOWAN, Defendant-Appellant.

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

CRIMINAL LAW - *Anders*; resentencing; post-release control; findings on resentencing; res judicata applies to other lawful elements of sentence; previously addressed or could have been; subject matter jurisdiction invoked; indictment; not constructively amended.

2016-A-0062

HELEN GRYBOSKY, et al., Appellant v. OHIO CIVIL RIGHTS COMMISSION, et al., Appellees.

Judgment reversed and entered for appellant. See Opinion and Judgment Entry. [WRIGHT] (GRENDALL) (CANNON)

ADMINISTRATIVE APPEAL - Ohio Civil Rights Commission; R.C. 4112.02(H); charging instruments did not satisfy oath requirement; R.C. 4112.05(B)(1); lesser conflicting requirement in Ohio Administrative Code invalid; commission lacked jurisdiction.

GEAUGA

2015-G-0038

MICHAEL A. SHORE CO., L.P.A., Plaintiff-Appellee/Cross-Appellant v. ESTATE OF BERTINA HARDS, BY AND THRU JACQUELINE ADAMS, ADMINISTRATOR WWA, et al., Defendants-Appellants/Cross-Appellees, DANIEL S. WHITE, Third Party Defendant-Appellee/Cross-Appellant.

Judgment affirmed in part, reversed in part, and remanded. See Opinion and Judgment Entry. [RICE] (WRIGHT) (O'TOOLE)

CIVIL - frivolous conduct; action in breach of contract; compensation; attorney fees; representation; for former guardianship; summary

judgment; orally obligated; subserve defendant's interests; statute of frauds; no affidavit to support alleged oral promise; R.C. 2323.51(A)(1)(a)(iii); conduct not frivolous; complaint supported by an established legal theory; amount of sanctions moot; denial of accounting; no prejudice.

2016-G-0079 STATE OF OHIO ex rel. JAMES R. FLAIZ, PROSECUTING ATTORNEY OF GEAUGA COUNTY, OHIO, et al., Plaintiffs-Appellants v. MERSCORP, INC., et al., Defendants-Appellees.

Judgment affirmed. Cannon, J., concurs with a Concurring Opinion; Grendell, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [RICE] (GRENDSELL) (CANNON)

CIVIL - dismiss; failure to state a claim; mortgage; assignments; banks; did not record in county recorder's official records; mortgagees; assignees; MERS; R.C. 5301.25; R.C. 5301.32; shall record; mandatory; recording statutes put lienholders on notice; priority; protect existing lienholders; statutes mandate where recording must occur, not that recording must occur; county not entitled to recording fees; not due money; R.C. 309.12; no standing in this instance.

LAKE

2017-L-028 STATE OF OHIO, Plaintiff-Appellee v. WILLIE L. WILSON, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (CANNON)
CRIMINAL LAW - Felony sentencing; standard of review; R.C. 2953.08(G)(2); imposition of maximum sentence; consideration of R.C. 2929.12 sentencing factors; significant criminal record.