

# 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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Ashtabula Geauga Lake Portage Trumbull

Cynthia Westcott Rice  
Judge

Thomas R. Wright  
Presiding/Administrative Judge

Shibani Sheth-Massacci  
Court Administrator/Magistrate/  
Administrative Counsel

**September 10, 2018**

**RELEASE**

### **ASHTABULA**

2017-A-0079

KATHLEEN KENNEDY, et al., Plaintiffs-Appellants v. HAROLD E. SPECHT, JR., et al., Defendants-Appellees.

Judgment reversed and remanded. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [GRENDSELL] (CANNON) (O'TOOLE)

CIVIL - conversion; bailment; failure to state a claim; dismissal; Civ.R. 12(B)(6); prosecutorial immunity; R.C. 2744.03(A)(7); common law; investigative/administrative functions.

### **LAKE**

2017-L-003

STATE OF OHIO, Plaintiff-Appellee v. WALTER LEE BRAUN, II Defendant-Appellant.

Judgment affirmed. Wright, P.J., concurs in judgment only; Cannon, J., concurs in part and concurs in judgment only in part, with a Concurring Opinion. See Opinion and Judgment Entry. [O'TOOLE] (WRIGHT) (CANNON)

CRIMINAL LAW - domestic violence; fair trial; due process of law; abuse of discretion standard; Evid.R. 401, 402, 403(A), 404(B); R.C. 2903.211; manifest weight of the evidence.

2018-L-054

MOYA ANDOLSEK, Plaintiff-Appellant v. DENISE POLSTEIN, et al., Defendant-Appellee.

Appeal dismissed. Wright, P.J., concurs in judgment only. See Memorandum Opinion and Judgment Entry. [GRENDSELL] (WRIGHT) (RICE)

APPELLATE REVIEW - Motion for reconsideration is a nullity; does not extend the time to appeal a final judgment; App.R. 4; Civ.R. 58(B), untimely appeal.

**PORTAGE**

2017-P-0042

STATE OF OHIO, Plaintiff-Appellee v. ROBERT C. HUBBARD,  
Defendant-Appellant.

Judgment reversed and vacated. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [GRENDALL] (CANNON) (O'TOOLE)

CRIMINAL - Nonsupport of Dependents; R.C. 2919.21(A)(2) and (B);  
*State v. Pittman*; current obligation to pay support; arrearage-only  
order; emancipation.