

# Court of Appeals of Ohio

## *Eleventh Appellate District*

Cynthia Westcott Rice  
Administrative Judge

Thomas R. Wright  
Judge

Mary Jane Trapp  
Judge

111 High Street, N.E., Warren, Ohio 44481  
Telephone: (330) 675-2650  
Facsimile: (330) 675-2655  
Ashtabula Geauga Lake Portage Trumbull

Timothy P. Cannon  
Presiding Judge

Matt Lynch  
Judge

Shibani Sheth-Massacci  
Court Administrator/Magistrate/  
Administrative Counsel

**September 28, 2020**

***R E L E A S E***

### **ASHTABULA**

2019-A-0077

STATE OF OHIO, Plaintiff-Appellee v. ORLANDO L. LEWIS, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [TRAPP] (WRIGHT) (LYNCH) CRIMINAL LAW - sufficiency of the evidence; manifest weight; suspension valid without driver's license; R.C. 4510.01; pacing vehicle.

### **GEAUGA**

2020-G-0254

STACY HARTMAN, Plaintiff, C.H.G. AND C.H.G., Appellants v. GRANT GLASIER, Defendant-Appellant.

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

### **LAKE**

2019-L-085

STATE OF OHIO, Plaintiff-Appellee v. JOSEPH L. THOMAS, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (WRIGHT) (LYNCH) CRIMINAL LAW - aggravated murder; kidnapping; aggravated robbery; tampering with evidence; motion to suppress evidence; warrantless seizure of boots; plain view; probable cause to seize; expert testimony; new DNA evidence; Crim.R. 16(K); less than 21 days notice; modification of timeframe not an abuse of discretion; no unjust ambush; *Daubert* hearing; polygraph evidence; no stipulation; ineffective assistance of counsel; no reasonable basis for objection; mitigation; unable to evaluate because evidence is outside appellate record; admission of crime-scene photographs; sentence; life without possibility of parole; not subject to appellate review; R.C. 2953.08(D)(3); cruel and unusual punishment; no unnecessary and wanton physical pain; no Eighth Amendment violation; Equal

Protection Clause; rational basis; valid and reasonable interest in treating offenders differently; right of allocution; invited error; manifest weight of the evidence; sufficient, credible evidence to support conviction; trial court's comments to jury; media communications; no due process violation; no cumulative error.

2019-L-094            STATE OF OHIO, Plaintiff-Appellee v. STEPHEN E. BLAZO, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [RICE] (WRIGHT) (TRAPP)  
CRIMINAL LAW - burglary; attempted burglary; get-away; no witnesses; crimes within close proximity; close in time; cell phone conversation; contemporaneous with crimes; accomplice uses defendant's first name on surveillance video; call towers; pings; sufficient, credible evidence; felony sentence; no error in imposition of maximum and consecutive sentences.

2019-L-154            STEVEN P. SABATH, Plaintiff-Appellee v. RICK J. SABATH, Defendant-Appellant.  
2020-L-009

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (RICE) (WRIGHT)  
CIVIL - breach of contract; purchase agreement; judgment notwithstanding the verdict; Civ.R. 50(B) prejudgment interest; exclusion of deposition testimony; abuse of discretion; Civ.R. 32(A)(3); trial deposition; prejudice; parole evidence; directed verdict; unjust enrichment.

2020-L-015            STATE OF OHIO, Plaintiff-Appellee v. THOMAS P. MCPHILLIPS, III, Defendant-Appellant.

Judgment reversed and remanded. See Opinion and Judgment Entry. [LYNCH] (CANNON) (WRIGHT)  
CRIMINAL - postsentence motion to withdraw guilty plea; ineffective assistance of counsel; no contest plea; manifest injustice; failure to advise of effect and consequences of plea; voluntariness; Crim.R. 11(E).

2020-L-052            STATE OF OHIO, Plaintiff-Appellee v. MICHAEL C. BROWN, Defendant-Appellant.

Judgment affirmed. Wright, J., concurs in judgment only. See Opinion and Judgment Entry. [RICE] (WRIGHT) (LYNCH)  
CRIMINAL LAW - *Alford* plea; Sexual Battery; R.C. 2907.03(A)(5); rehabilitation of the offender; a trial court may recognize an element of an offense in its consideration of the seriousness of an offender's conduct; trial court's findings with respect to R.C. 2929.11 and R.C. 2929.12 were not unsupported by the record; affirmed.

**PORTAGE**

2019-P-0070            STATE OF OHIO, Plaintiff-Appellee v. ADAM J. EVANS, Defendant-Appellant.

Judgment affirmed. Wright, J., concurs in judgment only. See Opinion and Judgment Entry. [TRAPP] (WRIGHT) (LYNCH)

CRIMINAL LAW - motion to vacate post-release control; duty to provide notice of PRC; failure to provide transcript of hearing; App.R. 9(B); properly notified of mandatory PRC 2967.28.

2020-P-0062      STATE OF OHIO, Plaintiff-Appellee v. MATTHEW M. LUSANE, Defendant-Appellant.

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

APPELLATE REVIEW - App.R. 4(A)(1); thirty-day rule; untimely appeal.

**TRUMBULL**

2019-T-0047      HARGUS HALL, Plaintiff-Appellant v. COLEMAN BEHAVIORAL HEALTH SERVICES, et al., Defendants-Appellees.

Judgment affirmed. Wright, J., concurs in judgment only. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (TRAPP)

CIVIL- Negligence; non-medical bodily injury; motion to dismiss; statute of limitations; R.C. 2305.10; R.C. 2305.113; de novo; notice-pleading; affirmative defense is obvious from the face of the complaint; affirmed.

2020-T-0001      STATE OF OHIO, Plaintiff-Appellee v. WILLIAM G. FORD, JR., Defendant-Appellant.

Judgment affirmed. Cannon, P.J., concurs in judgment only with a Concurring Opinion. See Opinion and Judgment Entry. [TRAPP] (CANNON) (WRIGHT)

CRIMINAL LAW - sufficiency of evidence; sexual purpose; sexual contact; R.C. 2907.01(B); R.C. 2907.06; corroboration; support victim's testimony; minor witness competency; voir dire; in camera hearing.

2020-T-0045      STATE OF OHIO, Plaintiff-Appellee v. LOUIS R. MANN, Defendant-Appellant.

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

APPELLATE REVIEW - App.R. 5(A); delayed appeal; reason does not justify over six and one-half year delay in filing appeal.