

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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Ashtabula Geauga Lake Portage Trumbull

Timothy P. Cannon
Judge

Matt Lynch
Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

September 3, 2019

RELEASE

ASHTABULA

2019-A-0020

2019-A-0021

IN THE MATTER OF: M.L.B.

Appeals dismissed. See Judgment Entry. [WRIGHT] (LYNCH) (TRAPP)

GEAUGA

2018-G-0182

U.S. BANK NATIONAL ASSOCIATION AS INDENTURE TRUSTEE
FOR CIM TRUST 2015-3AG MORTGAGE-BACKED NOTES,
SERIES 2015-3AG, Plaintiff-Appellee v. MIKE DELZOPPO, a.k.a.
MICHAEL DELZOPPO, et al., Defendants-Appellants.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and this appeal is hereby settled and dismissed. See Judgment Entry. [WRIGHT] (LYNCH) (TRAPP)

2019-G-0211

2019-G-0212

NATIONWIDE INSURANCE COMPANY AS SUBROGEE OF
CHARDON HILLS, LLC, et al., Plaintiff-Appellant v. ROYAL HEATING
& AIR CONDITIONING SERVICE CO., Defendant-Appellee.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and these appeals are hereby dismissed. See Judgment Entry. [WRIGHT] (LYNCH) (TRAPP)

LAKE

2019-L-007

STATE OF OHIO, Plaintiff-Appellee v. RICHARD PETROVICH, III,
Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [LYNCH] (RICE) (CANNON)
CRIMINAL - Aggravated Vehicular Assault; Operating a Vehicle Under
the Influence of Alcohol; sentencing; statutory factors; R.C.
2929.12(C); "less serious" factors; contrary to law; similarly situated

defendants; misdemeanor sentencing; R.C. 2929.22; merger; allied offenses; R.C. 2941.25; separate, identifiable harm; multiple victims.

2019-L-016 STATE OF OHIO, Plaintiff-Appellee v. CLEVELAND D. HOLMES, III, Defendant-Appellant.

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

2019-L-033 STATE OF OHIO, Plaintiff-Appellee v. MARVIN DALE LAMBERT, JR., Defendant-Appellant.

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

2019-L-043 U.S. BANK NATIONAL ASSOCIATION, Plaintiff-Appellee v. MIRKO MATIC, et al., Defendants-Appellants.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and this appeal is hereby settled and dismissed. See Judgment Entry. [WRIGHT] (CANNON) (TRAPP)

PORTAGE

2019-P-0014 ESTATE OF: ELEANOR FAYE BRUNGER, a.k.a. ELEANOR F. BRUNGER, a.k.a. ELEANOR BRUNGER, DECEASED.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (RICE) (TRAPP)
PROBATE - estate administration; attorney fees; extraordinary fees; minimum reasonable fee; local rules; beneficiaries consent to payment outside court guidelines; necessary and reasonable; for the benefit of the estate; value of the estate; Ohio Medicaid Division; consent not to receive payment.

2019-P-0027 STATE OF OHIO, Plaintiff-Appellee v. MATTHEW M. LUSANE, Defendant-Appellant.

Judgment reversed and remanded. See Opinion and Judgment Entry. [WRIGHT] (RICE) (TRAPP)

CRIMINAL LAW - Final sentencing judgment; Crim.R. 32; fact of conviction and sentence; set forth in single judgment; denial of motion to revise.

TRUMBULL

2018-T-0083 DAVID M. HANSHAW, SR., Plaintiff-Appellant v. WENDY ANN HANSHAW, Defendant-Appellee.
2018-T-0084

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (CANNON) (LYNCH)
DOMESTIC RELATIONS - termination of shared parenting plan; best interest of the children; residential parent; R.C. 3109.04(E)(2)(d).

2019-T-0010 STATE OF OHIO, Plaintiff-Appellee v. DAJUAN RESHAWN PERRY, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (LYNCH)

CRIMINAL LAW - SENTENCING - felony sentencing; purposes and principles; seriousness of conduct; likelihood of recidivism; statutory range; supported by the record; not contrary to law.

2019-T-0011 STATE OF OHIO, Plaintiff-Appellee v. KC ANNE ELIZABETH PAXON, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (CANNON) (LYNCH) CRIMINAL LAW- SENTENCING - sentence not contrary to law; trial court was not required to impose community control absent a finding that an exception applied; R.C. 2929.13(B)(1)(a) bestows discretion to impose a prison term; no explicit findings are required.

2019-T-0019 STATE OF OHIO, Plaintiff-Appellee v. ERIN R. BARRICKMAN, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (WRIGHT) (LYNCH) CRIMINAL LAW - SENTENCING - felony sentencing; fifth-degree felony; multiple offenses; incarceration; community control; R.C. 2929.13(B)(1)(a); specified a finding under R.C. 2929.13(B)(1)(b); prior felony convictions; multiple prison terms; committed while on parole. APPELLATE REVIEW - R.C. 2953.08(A)(2).