

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
February 19, 2021

These case summaries are issued for the convenience of the public, the bench, and the bar. They are a brief statement of the court's holdings and are not to be considered headnotes or syllabi. Copies of opinions are available from the particular county's clerk of courts. The full text of each opinion will be available on the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/rod/docs/?source=2>.

Case Name: *State of Ohio v. Daniel J. Almeyda*
Case No: Montgomery App. No. 28734; T.C. Case No. 2019-CRB-1040
Panel: Tucker, Donovan, Hall
Author: Michael T. Hall
Summary: Appellant's conviction for violating a protection order was supported by sufficient evidence and was not against the manifest weight of the evidence. The victim's testimony alone was sufficient to establish the violation. Judgment affirmed.

Case Name: *Kevin Eikenberry v. Municipality of New Lebanon, et al.*
Case No: Montgomery App. No. 28856; T.C. Case No. 2018-CV-3254
Panel: Tucker, Donovan, Hall
Author: Michael T. Hall
Summary: The trial court did not err by entering summary judgment for appellee based on immunity under the Political Subdivision Tort Liability Act. Appellant's injury was caused in connection with appellee's efforts to rehabilitate existing sewer pipes using cured-in-place pipe. This was a governmental function to which the general grant of immunity applied. Judgment affirmed.

Case Name: *State of Ohio v. Kiel T. Greenlee*
Case No: Montgomery App. No. 28756; T.C. Case No. 2019-CRB-1486
Panel: Donovan, Hall, Welbaum
Author: Michael T. Hall
Summary: The trial court did not err by overruling appellant's Crim.R. 29 motion for acquittal. Evidence that appellant ran from police officers, who were attempting to serve him with an arrest warrant, and failed to comply with multiple orders to stop and to get on the ground was sufficient to support his convictions for resisting arrest and obstructing official business. Judgment affirmed.

Case Name: *Emmit Ford, et al. v. Ryan Crawford*
Case No: Montgomery App. No. 28717; T.C. Case No. 2020-CVG-124W
Panel: Tucker, Donovan, Hall
Author: Michael L. Tucker
Summary: The appellant's brief does not set forth an assignment of error with a supporting argument. Thus, there is no appellate issue to resolve. Judgment affirmed.

Case Name: *State of Ohio v. Don Vernon Burke, III*
Case No: Montgomery App. No. 28680; T.C. Case Nos. 2019-CR-1144, 2019-CR-675, 2019-CR-920
Panel: Tucker, Donovan, Welbaum
Author: Michael L. Tucker
Summary: Appellant's sentence was jointly recommended by appellant and the State of Ohio, the trial court sentenced appellant in conformity with the joint recommendation, and the sentence was authorized by law. Thus, under R.C. 2953.08(D), appellant's sentence is not subject to appellate review. Further, the record establishes that appellant's plea was knowing, intelligent, and voluntary. Judgment affirmed.

Case Name: *State of Ohio v. Mitchell Edward McCoy*
Case No: Champaign App. No. 2020-CA-13; T.C. Case Nos. 2018-CR-196 & 2020-CR-44
Panel: Tucker, Donovan, Hall
Author: Mary E. Donovan
Summary: Appellant's community control was lawfully revoked based upon an admitted violation of the condition requiring him to obey federal, state, and local laws and ordinances. At the revocation hearing, appellant admitted that, in the course of speaking with a counselor in jail, he threatened to hire someone to harm his ex-girlfriend. The substance of the threat was thereafter communicated to the ex-girlfriend. A violation of community control sanctions was both admitted and established. Judgment affirmed.