

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
May 14, 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: *In re Adoption of R.A.H.*
Case No: Champaign App. No. 2020-CA-32; T.C. Case No. 2020-AD-05
Panel: Tucker, Donovan, Welbaum
Author: Michael L. Tucker
Summary: The trial court ruled that a domestic violence civil protection order prohibiting appellee from having contact with his child provided justifiable cause for appellee's failure to have contact with the child in the one-year period before appellant filed a petition seeking to adopt the child. Based upon this conclusion, the court found that appellee's consent to the adoption was required. The protection order, though a relevant consideration, did not necessarily require a finding that appellee had justifiable cause for his failure to have contact with the child during the relevant time period. Judgment reversed and remanded.

Case Name: *State of Ohio v. Gregory S. Wagner*
Case No: Miami App. No. 2020-CA-6; T.C. Case Nos. 2017-CR-525 and 2018-CR-406
Panel: Tucker, Hall, Epley
Author: Michael L. Tucker
Summary: The trial court did not err in holding that the State did not violate appellant's statutory and constitutional rights to speedy trials in two cases. For purposes of R.C. 2941.401 and R.C. 2945.71-2945.72, most of the delays that occurred between the issuance of the indictments and the disposition were not attributable to the State, and appellant did not demonstrate that he was prejudiced by the delays. Additionally, the trial court did not err in sentencing appellant by failing to make the findings required for the imposition of consecutive sentences, and the record provides no basis for vacating or modifying the sentences pursuant to R.C. 2953.08(G)(2). Judgments affirmed.

Case Name: *State of Ohio v. Donovan Asher Nicholas*
Case No: Champaign App. No. 2020-CA-21; T.C. Case No. 2017-CR-299
Panel: Donovan, Hall, Epley
Author: Christopher B. Epley
Summary: The trial court erred by not removing the appointed counsel fees from the cost bill as previously directed by this Court. Judgment reversed; remanded for the trial court to direct the clerk to remove the appointed counsel fees from the appellant's cost bill. (Hall, J., concurring in judgment only.)

Case Name: *State of Ohio v. Pierre Taylor*
Case No: Greene App. Nos. 2019-CA-77 and 2020-CA-6; T.C. Case No. 2017-CR-566
Panel: Tucker, Donovan, Epley
Author: Christopher B. Epley
Summary: *Anders* appeal. No non-frivolous issues exist in appellant's appeals from the denials of his petitions for postconviction relief, motion for a new trial, and related motions. Judgments affirmed.

Case Name: *In the Matter of: M.C.*
Case No: Champaign App. No. 2020-CA-24; T.C. Case No. 2011-JG-39
Panel: Donovan, Hall, Epley
Author: Michael T. Hall
Summary: The trial court did not err by finding appellant in contempt for violating the terms of a shared parenting plan; the court's findings were supported by the evidence, and the court's contempt decision was not an abuse of discretion. The court did not err by conducting an in-chambers interview of the minor child. Judgment affirmed.

Case Name: *State of Ohio v. Eric Wolfe*
Case No: Montgomery App. No. 28925; T.C. Case No. 2020-CR-1494
Panel: Hall, Welbaum, Epley
Author: Jeffrey M. Welbaum
Summary: An independent review of the record pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493, reveals no issues with arguable merit to present on appeal. Judgment affirmed.