

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
June 11, 2021

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Case Name: *State of Ohio v. David L. Johnson*
Case No: Greene App. No. 2020-CA-41; T.C. Case No. 2019-CR-861
Panel: Donovan, Hall, Epley
Author: Mary E. Donovan
Summary: Appellant's conviction following a jury trial for trespass in a habitation when a person is present or likely to be present was not against the manifest weight of the evidence. The jury clearly credited the testimony of appellant's ex-wife and children that appellant trespassed in their home and discredited appellant's testimony that, out of immediate concern for the safety of his children, a privilege growing out of necessity allowed him to enter the home. Judgment affirmed.

Case Name: *Stacy A. Tellis v. Quincy L. Tellis*
Case No: Montgomery App. No. 29020; T.C. Case No. 2018-DR-1083
Panel: Donovan, Hall, Epley
Author: Mary E. Donovan
Summary: The trial court did not err when it found that it was in the best interest of the parties' children to have a shared parenting plan. The trial court did not err when it ordered Father to pay child support to Mother for the care of the parties' two minor children. Additionally, the trial court did not err when it awarded Father a 15% downward deviation in his support obligation for the parties' children, and its findings and the record sufficiently supported its determination. Judgment affirmed.

Case Name: *State of Ohio v. Jason Webb*
Case No: Montgomery App. No. 28886; T.C. Case No. 2020-CRB-2205
Panel: Donovan, Hall, Epley
Author: Christopher B. Epley
Summary: Appellant's conviction for assault, a first-degree misdemeanor, was neither based on insufficient evidence nor against the manifest weight of the evidence. Judgment affirmed.

Case Name: *State of Ohio v. Zacary L. Fisk*
Case No: Montgomery App. No. 28798; T.C. Case No. 2019-CR-2718
Panel: Tucker, Donovan, Epley
Author: Christopher B. Epley
Summary: The trial court abused its discretion in appellant's trial for attempted murder and felonious assault when it disallowed evidence of the victim's alleged past violent acts that could have supported appellant's self-defense claim. The error was harmless, however, because the evidence clearly demonstrated that appellant's attack was not in self-defense. As to the State's cross-appeal, the State did not have standing to challenge the trial court's failure to award restitution. Judgment affirmed. (Tucker, P.J., concurring.)

Case Name: *State of Ohio v. William Maston*
Case No: Montgomery App. No. 28956; T.C. Case No. 2020-CR-612
Panel: Donovan, Hall, Epley
Author: Michael T. Hall
Summary: Appellant pled guilty to attempted breaking and entering after entering the home of the mother of his child to demand the return of money. The trial court did not effectively deny appellant's right of allocution at sentencing by refusing to permit him to offer additional justifications for his behavior after he directly addressed the court. Appellant's community control sentence was supported by the record and did not constitute an abuse of discretion. The trial court improperly ordered appellant to pay appointed counsel fees as part of his criminal sentence. The portion of the judgment ordering payment of counsel fees is vacated; in all other respects, judgment affirmed.