

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
January 12, 2024

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. Mitchell Edward McCoy*
Case No: Champaign C.A. No. 2023-CA-11; T.C. Case No. 2022 CR 161
Panel: Welbaum, Tucker, Huffman
Author: Jeffrey M. Welbaum
Summary: The trial court did not abuse its discretion by denying appellant's motion for a competency evaluation. In addition, the indefinite prison term imposed by the trial court for appellant's second-degree felony aggravated possession of drugs offense is not contrary to law. Judgment affirmed.

Case Name: *Geoffrey Surber v. Justin Hines, et al.*
Case No: Darke C.A. No. 2023-CA-17; T.C. Case No. 22-CV-00477
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err in entering summary judgment against appellant on his claim that Greenville Township Board of Zoning Appeals members violated Ohio's Open Meetings Act by privately discussing his appeal immediately before conducting a hearing. Any pre-hearing discussion constituted deliberation in a quasi-judicial proceeding to which the legislation did not apply. Judgment affirmed.

Case Name: *State of Ohio v. Derrick Harris*
Case No: Montgomery C.A. No. 29780; T.C. Case No. 2022 CR 01539
Panel: Welbaum, Epley, Huffman
Author: Mary K. Huffman
Summary: Appellant's conviction for trafficking in cocaine was supported by sufficient evidence and was not against the manifest weight of the evidence. Appellant failed to demonstrate ineffective assistance of counsel. Judgment affirmed.

Case Name: *State of Ohio v. Derek Ullman McWilliams*
Case No: Champaign C.A. No. 2023-CA-16; T.C. Case No. 2023 CR 014
Panel: Tucker, Epley, Lewis
Author: Ronald C. Lewis
Summary: State's appeal. The trial court erred as a matter of law in failing to consider whether R.C. 2901.12(H)(3) permitted the State to pursue charges in Champaign County based on an alleged course of criminal conduct involving some offenses that arose in Champaign County and another offense that did not occur in Champaign County. Nevertheless, our decision has no impact on the defendant's final judgment of acquittal, as he cannot be placed twice in jeopardy.

Case Name: *Jane Doe v. Cedarville University, et al.*
Case No: Montgomery C.A. No. 29875; T.C. Case No. 2023 CV 00862
Panel: Tucker, Epley, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not abuse its discretion in overruling appellant's motion to proceed under a pseudonym where the court weighed the relevant factors and concluded that appellant had failed to show that her privacy interest substantially outweighed the presumption of open judicial proceedings. Judgment affirmed.

DECISION AND FINAL JUDGMENT ENTRY RENDERED NOVEMBER 17, 2023

Case Name: *State ex rel. Riverside Views, LLC v. Montgomery County Treasurer and Montgomery County Auditor*
Case No: Montgomery C.A. No. 29817
Panel: Welbaum, Tucker, Epley
Author: Per Curiam
Summary: Relator sought to compel respondents, the Montgomery County Treasurer and Montgomery County Auditor, to comply with a federal bankruptcy court order and correct records to reflect that certain tax liens are released by virtue of that order. Motion for default judgment overruled. Relator's complaint fails to establish beyond doubt a clear legal right to the requested relief or any clear legal duty of the respondents to provide it. Writ of mandamus denied.