

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
February 10, 2023

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. Jason P. Wolfe*
Case No: Greene C.A. No. 2022-CA-12; T.C. Case No. 21TRC02924
Panel: Welbaum, Tucker, Epley
Author: Christopher B. Epley
Summary: Appellant's appeal from the revocation of his community control is moot. Appeal dismissed.

Case Name: *State of Ohio v. Keith Greene*
Case No: Montgomery C.A. No. 29274; T.C. Case No. 2021 CR 01793/2
Panel: Welbaum, Tucker, Epley
Author: Christopher B. Epley
Summary: The trial court's notifications under R.C. 2929.19(B)(2)(c)(i)-(iv) were not contrary to law. Although the trial court did not quote R.C. 2929.19(B)(2)(c)(i)-(iv) verbatim, its notification contained the required information. However, the trial court failed to provide the notification required by R.C. 2929.19(B)(2)(c)(v) when it, seemingly inadvertently, told appellant that he must be released at the expiration of his minimum (as opposed to maximum) sentence. Judgment reversed and remanded for resentencing.

Case Name: *In re A.R.*
Case No: Montgomery C.A. No. 29604; T.C. Case No. G-2020-003998-0C,0F
Panel: Welbaum, Epley, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not abuse its discretion in finding that it was in the child's best interest to grant permanent custody of the child to Children's Services, where the child had bonded with her foster family and the biological mother had not completed significant portions of her case plan, including having stable housing and verified income. Judgment affirmed.

Case Name: *Jane Mays v. The Knolls Apartment Complex, et al.*
Case No: Montgomery C.A. No. 29556; T.C. Case No. 2021 CV 03832
Panel: Welbaum, Tucker, Epley
Author: Jeffrey M. Welbaum
Summary: The trial court did not err in granting summary judgment in favor of an owner of premises where appellant slipped and fell on a sidewalk. The owner had no duty to appellant because the defect in the sidewalk was open and obvious, and no attendant circumstances existed that would warrant holding the owner liable. Judgment affirmed.

Case Name: *State of Ohio v. Byron A. Elliott*
Case No: Darke C.A. No. 2022-CA-4; T.C. Case No. 21-CR-00197
Panel: Welbaum, Tucker, Epley
Author: Michael L. Tucker
Summary: The trial court correctly overruled appellant's motion to suppress a confession he made to a detective and pictures the detective obtained from his cell phone. The protections of *Miranda* did not apply when appellant made his confession and the detective discovered the pictures, because appellant's interaction with the detective was not a custodial interrogation. Appellant's confession to the detective also was voluntary and not a product of police coercion. Judgment affirmed.