

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
March 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. Regan Foster*
Case No: Clark C.A. No. 2021-CA-50; T.C. Case No. 21-CR-0408E
Panel: Welbaum, Tucker, Epley
Author: Michael L. Tucker
Summary: As conceded by the State, the trial court erred by not providing the R.C. 2929.19(B)(2)(c) Reagan Tokes notifications during appellant's sentencing hearing. Judgment reversed and remanded.

Case Name: *OTARMA, et al. v. Miami Township, Ohio, et al.*
Case No: Montgomery C.A. No. 29570; T.C. Case No. 2017 CV 04749
Panel: Tucker, Epley, Lewis
Author: Michael L. Tucker
Summary: The trial court erred in entering summary judgment in favor of appellee OTARMA in this declaratory-judgment action insofar as it found that OTARMA had no duty to defend appellants on an infliction-of-emotional-distress claim asserted against them in an underlying lawsuit in federal district court. The trial court should have entered summary judgment in favor of appellant Miami Township on that issue. In all other respects, the trial court did not err in entering summary judgment in favor of OTARMA. As a matter of law, OTARMA had no duty to defend or indemnify appellants on any other cause of action in the federal litigation. The trial court also did not abuse its discretion in overruling a motion to compel discovery filed by appellants prior to its entry of summary judgment. Judgment affirmed in part and reversed in part.

Case Name: *State of Ohio v. Chase Emory Harris*
Case No: Clark C.A. No. 2022-CA-47; T.C. Case Nos. 21-CR-0146; 21-CR-0822
Panel: Welbaum, Tucker, Lewis
Author: Michael L. Tucker
Summary: *Anders* appeal. Appellate counsel filed an *Anders* brief concluding there are no arguably meritorious issues to present on appeal. Neither appellant nor his counsel raised any potential assignments

of error having arguable merit for our review. After conducting an independent review of the proceedings, we agree that there are no issues with arguable merit for appeal. Judgments affirmed.

Case Name: *In re L.C. & J.S.*
Case No: Clark C.A. Nos. 2022-CA-77; 2022-CA-78;
T.C. Case Nos. 20210313; 20210314
Panel: Welbaum, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court granted permanent custody of appellant's two minor children to a children services agency. Specifically, the trial court concluded by clear and convincing evidence that appellant had abandoned the children and that it was in the children's best interest that permanent custody be granted to the agency. These conclusions were supported by the record. Judgments affirmed.

Case Name: *In the Matter of the Adoption of F.D.H.*
Case No: Montgomery C.A. No. 29562; T.C. Case No. 2021 ADP 00159
Panel: Tucker, Epley, Lewis
Author: Christopher B. Epley
Summary: The trial court did not err by granting appellee's petition to adopt a child without appellant-father's consent. Appellant had had no contact with the child and had failed to provide for her support and maintenance without justifiable cause during the year immediately preceding the filing of the adoption petition. Judgment affirmed.

Case Name: *State of Ohio v. Crystal Dawn Turner nka Nesser*
Case No: Champaign C.A. No. 2022-CA-11; T.C. Case No. 2021 CR 243
Panel: Tucker, Epley, Lewis
Author: Christopher B. Epley
Summary: Appellant challenges the trial court's acceptance of her guilty plea. The trial court strictly complied with the constitutional requirements and substantially complied with the non-constitutional requirements of Crim.R. 11(C). Thus, she entered her guilty plea in a knowing, intelligent, and voluntary manner. Judgment affirmed.

Case Name: *State of Ohio v. Billy Manzi*
Case No: Clark C.A. No. 2022-CA-24; T.C. Case No. 21-CR-0810
Panel: Welbaum, Epley, Huffman
Author: Christopher B. Epley
Summary: Conceded error appeal. The trial court erred when it failed to notify appellant at sentencing of the consequences of violating post-release control. In addition, the trial court's judgment entry erroneously indicated that the duration of appellant's post-release control could be increased up to a maximum term of eight years. Judgment reversed and remanded.

Case Name: *State of Ohio v. William Bradford Taylor*
Case No: Montgomery C.A. No. 29563; T.C. Case No. 2021 CR 01099
Panel: Welbaum, Epley, Lewis
Author: Ronald C. Lewis
Summary: Appellate counsel found no non-frivolous issues for appeal pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Our examination of the record also reveals no non-frivolous issues having arguable merit. Judgment affirmed.

Case Name: *State of Ohio v. Larry Dwayne Rodgers*
Case No: Montgomery C.A. Nos. 29403; 29405; T.C. Case Nos. 2019 CR 03832; 2020 CR 00237
Panel: Welbaum, Epley, Lewis
Author: Jeffrey M. Welbaum
Summary: The trial court did not err by failing to suppress evidence flowing from appellant's warrantless arrest, where the arrest was supported by probable cause, was made in a public place, and was not effectuated by officers constructively entering appellant's residence. Appellant's claim that he was prejudiced by the trial court's certifying four expert witnesses in front of the jury lacks merit; the record establishes that the trial court did not expressly declare or designate the witnesses as experts so as to give the appearance of judicial approval of their testimony. In addition, appellant failed to demonstrate plain error where the trial court allowed the admission of other-acts testimony that was elicited by appellant and offered for non-propensity-based purposes. Lastly, appellant's convictions for aggravated murder, involuntary manslaughter, having weapons while under disability, and related firearm specifications were not against the manifest weight of the evidence. Judgments affirmed.