

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**March 15, 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. Othello Harrell*  
Case No: Clark C.A. No. 2022-CA-50; T.C. Case No. 21-CR-0408(A)  
Panel: Epley, Lewis, Huffman  
Author: Ronald C. Lewis  
Summary: The trial court erred in denying appellant's motion to suppress the evidence obtained from his illegal detention. The trial court did not err in denying appellant's untimely motion to suppress pretrial identification evidence. Because the State presented sufficient evidence to support each of appellant's convictions, double jeopardy does not preclude the State from retrying appellant. Other issues and assignments of error are rendered moot by our determination of the suppression issue related to appellant's illegal detention, which necessitates the reversal of his convictions. Judgment reversed and remanded.

Case Name: *State of Ohio v. Abraham Isa*  
Case No: Champaign C.A. No. 2023-CA-28; T.C. Case No. 2007 CR 207  
Panel: Epley, Welbaum, Tucker  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not abuse its discretion in denying appellant's application for DNA testing, motion for leave to file a delayed motion for new trial, and request to obtain the discovery in appellant's trial court case under the Ohio Public Records Act. Judgment affirmed.

Case Name: *State of Ohio v. James M. Leach, Jr.*  
Case No: Greene C.A. No. 2023-CA-34; T.C. Case No. 2022 CR 179  
Panel: Epley, Welbaum, Tucker  
Author: Jeffrey M. Welbaum  
Summary: State's appeal. The trial court erred in granting appellee jail-time credit for days he served in prison for an unrelated case while the

current case was pending. Further, the sentences in the current case were imposed consecutively to those in the unrelated case, and jail-time credit is not available in such situations. Judgment reversed only as to jail-time credit and remanded for issuance of a new judgment entry omitting jail-time credit.

Case Name: *State of Ohio v. Jason Allen Bevard aka Jason Allen Beauard aka Jason Nelson*  
Case No: Champaign C.A. No. 2023-CA-15; T.C. Case No. 2023 CR 012  
Panel: Epley, Welbaum, Tucker  
Author: Michael L. Tucker  
Summary: The trial court's statement during a plea hearing about appellant's two offenses not merging as allied offenses did not invalidate his guilty plea. The trial court's tentative assessment of the issue repeated what defense counsel already had told appellant and was supported by case law. Judgment affirmed.

Case Name: *State of Ohio v. Luis Jorge Penaloza Reyes*  
Case No: Champaign C.A. No. 2023-CA-39; T.C. Case No. 2023 CR 204  
Panel: Welbaum, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: Appellant's guilty plea following the trial court's denial of bail rendered moot his argument that the trial court should not have denied him bail, and the matter is not one of great public or general interest such that we may consider it despite its mootness. Moreover, appellant's argument that the trial court should not have denied bail is without merit under any of the standards of review applied by other appellate courts. He was indicted for a qualifying offense, and there was strong evidence that he committed the offense, that he posed a substantial risk of serious physical harm to any person or to the community, and that no release conditions would reasonably assure the safety of that person or the community. Judgment affirmed.

Case Name: *State of Ohio v. Christine E. Abney*  
Case No: Greene C.A. No. 2023-CA-49; T.C. Case No. 2023-CR-0217  
Panel: Epley, Welbaum, Tucker  
Author: Christopher B. Epley  
Summary: Appellant's 18-month concurrent sentences for domestic violence and vandalism are not contrary to law. Appellant's argument that the trial court should have sentenced her to community control, rather than prison, is precluded by *State v. Jones*, 163 Ohio St.3d 242, 2020-Ohio-6729, 169 N.E.3d 649. Judgment affirmed.

Case Name: *Venita Kelley v. Dayton Public Schools Board of Education, et al.*  
Case No: Montgomery C.A. No. 29904; T.C. Case No. 2021 CV 0558  
Panel: Epley, Welbaum, Tucker  
Author: Christopher B. Epley  
Summary: The trial court did not err in granting summary judgment to appellee on appellant's race discrimination and sex discrimination claims. Judgment affirmed.