

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
March 22, 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. Israel Koob*
Case No: Clark C.A. No. 2023-CA-42; T.C. Case No. 22-CR-0365(F)
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court did not abuse its discretion when it overruled appellant's presentence motion to vacate his guilty plea. Judgment affirmed.

Case Name: *State of Ohio v. Ryan M. Bowen*
Case No: Montgomery C.A. No. 29833; T.C. Case No. 2023 CRB 001408
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The record does not reflect that the trial court placed the burden of proof on self-defense on appellant at his bench trial for domestic violence. Judgment affirmed.

Case Name: *In re G.E.*
Case No: Clark C.A. No. 2023-CA-48; T.C. Case No. 20230179
Panel: Tucker, Lewis, Huffman
Author: Mary K. Huffman
Summary: Deferring to the juvenile court's assessment of the witnesses' credibility, the court's findings of delinquency on charges of rape and attempted rape were not against the manifest weight of the evidence. Insofar as the State concedes that there was no evidence that appellant engaged in sexual contact with the victim for the purpose of sexually arousing or gratifying either person, the finding of delinquency on a charge of gross sexual imposition was supported by insufficient evidence. Adjudication affirmed in part and vacated in part; remanded for a new disposition.

Case Name: *State of Ohio v. Octavious Davidson VIII*
Case No: Montgomery C.A. No. 29950; T.C. Case No. 2022 CR 01291
Panel: Epley, Lewis, Huffman
Author: Mary K. Huffman
Summary: The trial court did not commit plain error in admitting the opinion testimony of an expert witness on the age of the children depicted in nudity-oriented or sexually oriented material or in designating appellant both a Tier I and Tier II sex offender based upon the offenses for which he was convicted. Judgment affirmed.

Case Name: *State of Ohio v. Steven Gipp, Jr.*
Case No: Montgomery C.A. No. 29983; T.C. Case No. 23 CRB 2642
Panel: Tucker, Lewis, Huffman
Author: Mary K. Huffman
Summary: State's appeal. The trial court erred in sustaining appellee's motion to suppress and in concluding that police officers did not have probable cause for his arrest for domestic violence. An officer responded to a report of domestic violence and, based on his conversation with the complainant, he had reasonable grounds to believe that appellee had committed domestic violence. This officer instructed fellow officers near appellee's location to arrest him as the "preferred course of action" in a domestic violence situation pursuant to R.C. 2935.03(B)(3)(b). The officers' collective knowledge justified appellee's arrest. Judgment reversed and remanded.

Case Name: *State of Ohio v. Freddie Alexander*
Case No: Clark C.A. No. 2023-CA-46; T.C. Case No. 22-CR-0365(C)
Panel: Tucker, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court did not abuse its discretion in denying appellant's presentence motion to withdraw his guilty pleas. Appellant filed the motion the morning of the sentencing hearing, which was almost seven months after the plea hearing, he did not have any defense to the offenses, and he appeared to simply have had a change of heart. The trial court did not err in refusing to give jail-time credit to appellant for time that accrued while he was incarcerated on a previous, unrelated conviction. Judgment affirmed.