

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**March 29, 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: *David M.A.N.S.O. Holding L.L.C. v. Brandon D. Marquette [and] Korinthia I. Yochum*  
Case No: Greene C.A. No. 2023-CA-58; T.C. Case No. 23 CVG 01097  
Panel: Tucker, Lewis, Huffman  
Author: Mary K. Huffman  
Summary: Appellants vacated the residence following an eviction action, rendering their appeal on the forcible entry and detainer claim moot. Appeal dismissed.

Case Name: *Community Gain v. Donnie Anderson, et al.*  
Case No: Montgomery C.A. No. 29847; T.C. Case No. 2022 CV 5406  
Panel: Epley, Welbaum, Lewis  
Author: Christopher B. Epley  
Summary: Conceded error. The trial court erred in permitting service by publication where the affidavit in support of service by publication failed to identify any effort to ascertain the appellant's address and did not indicate that the residence could not be ascertained with reasonable diligence. Judgments vacated; remanded for further proceedings.

Case Name: *State of Ohio v. Kamron M. Bryant*  
Case No: Miami C.A. No. 2023-CA-17; T.C. Case No. 23CR49  
Panel: Epley, Welbaum, Lewis  
Author: Christopher B. Epley  
Summary: The juvenile court did not err when it transferred appellant's felony case to adult court. The court found he was older than 14 at the time of his offense, there was probable cause to believe he committed the act charged, and he was not amenable to rehabilitation in the juvenile system. The juvenile court also did not err in transferring the misdemeanor assault count to adult court; both the plain language of the statute and Ohio case law point to transferring the entire "case." Finally, the adult court did not err by sentencing appellant to prison.

The record does not demonstrate that the court failed to consider factors contained in R.C. 2929.19(B)(1)(b). Judgment affirmed.

Case Name: *State of Ohio v. Dustin J. Hawk*  
Case No: Clark C.A. No. 2023-CA-2; T.C. Case No. 22-CR-0727  
Panel: Epley, Tucker, Huffman  
Author: Christopher B. Epley  
Summary: The trial court substantially complied with Crim.R. 11(C) when it accepted appellant's guilty plea to attempted murder. There was no indication that the court's single misstatement about the degree of the offense, which was made toward the end the plea colloquy, affected appellant's understanding of the nature of the offense or the maximum penalty involved. The trial court did not err in increasing appellant's sentence during the sentencing hearing. The court explained that its original pronounced sentence was a "mistake," and there was no suggestion that the court increased the sentence based on impermissible factors or considerations. Judgment affirmed.

Case Name: *State of Ohio v. Antwyane Deon Lowe*  
Case No: Montgomery C.A. No. 29826; T.C. Case No. 2021 CR 03220  
Panel: Epley, Welbaum, Lewis  
Author: Jeffrey M. Welbaum  
Summary: Appellant failed to establish that his trial counsel provided ineffective assistance by failing to advise him to plead no contest to the indicted charges. Appellant also failed to establish that his trial counsel provided ineffective assistance by failing to argue in his motion to suppress that an investigating officer used an unduly suggestive procedure to identify him. Judgment affirmed.

Case Name: *State of Ohio v. Tanya Ragene Tyree aka Earline Ann Roystan aka Tanya Regene Wilson*  
Case No: Champaign C.A. No. 2023-CA-20; T.C. Case No. 2023 CR 007  
Panel: Epley, Welbaum, Lewis  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not err in finding that police officers had a reasonable, articulable suspicion to stop appellant's vehicle and that seized contraband was properly obtained pursuant to the Fourth Amendment's inventory search exception. Judgment affirmed.