

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**May 5, 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: *City of Dayton v. April R. Parson, et al.*  
Case No: Montgomery C.A. No. 29353; T.C. Case No. 2020 CV 01754  
Panel: Welbaum, Epley, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not err in granting summary judgment to employer on employee's workers' compensation claim. The undisputed facts established that the injury arose out of a personal dispute between the employee and a co-worker that was entirely unrelated to the performance of any duty related to her employment. Judgment affirmed.

Case Name: *Selena R. Saunders v. Greater Dayton Regional Transit Authority*  
Case No: Montgomery C.A. No. 29573; T.C. Case No. 2019 CV 04965  
Panel: Welbaum, Epley, Lewis  
Author: Ronald C. Lewis  
Summary: The trial court did not abuse its discretion in dismissing an action with prejudice where the trial court's final pretrial orders warned that failure to attend the trial would result in dismissal of the action, appellant and her counsel left the courtroom early during the second day of the jury trial and failed to appear on the third day, appellant's counsel sent an email to the court's bailiff stating he would not be back for the remainder of the trial that week, and neither appellant nor her counsel requested a continuance of the trial. Judgment affirmed.

Case Name: *State of Ohio v. Jerrico Jones*  
Case No: Greene C.A. Nos. 2022-CA-47; 2022-CA-48;  
T.C. Case Nos. 2020 CR 0516; 2022 CR 0506  
Panel: Welbaum, Epley, Lewis  
Author: Ronald C. Lewis  
Summary: Appellant's valid guilty plea waived his right to challenge the trial court's decisions overruling his motions to suppress. Also, appellant did not establish ineffective assistance of trial counsel. Judgments affirmed.

Case Name: *State of Ohio v. Peyton J. Kocevar*  
Case No: Montgomery C.A. No. 29483; T.C. Case No. 2020 CR 01833  
Panel: Welbaum, Epley, Lewis  
Author: Jeffrey M. Welbaum  
Summary: The trial court correctly found that the sexual assault charges against appellant should not have been severed for trial because the evidence was simple and direct. The State did not unjustifiably delay in prosecuting appellant; any delay was the result of the victims' delay in reporting sexual assaults to the police. Appellant was not deprived of any constitutional rights by being tried and sentenced as an adult. Under R.C. 2152.02(C)(3), R.C. 2152.12((J), and R.C. 2151.23(I), the juvenile court lacked jurisdiction over appellant because he was 22 years old when the indictment was filed. These statutes remove juvenile jurisdiction over persons who are not taken into custody or apprehended until after they attain 21 years of age. Thus, no equal protection violation exists because appellant was not similarly situated to persons who are still subject to the juvenile court's jurisdiction. Appellant was also not subjected to cruel and unusual punishment. Both before and after appellant's alleged crimes, there was no change in any relevant statutes defining children over whom a juvenile court could exercise jurisdiction. As a result, when appellant allegedly committed the crimes, he had notice that he could be tried in adult court rather than remaining in juvenile court. Appellant's sentence also did not shock the conscience. Moreover, because no pertinent statutory changes occurred after the alleged crimes were committed, no laws imposed additional punishment on appellant for purposes of ex post facto prohibitions against increased punishment. Finally, because no error occurred, no cumulative error existed. Judgment affirmed.

Case Name: *State of Ohio v. King Turner*  
Case No: Montgomery C.A. No. 29397; T.C. Case No. 2020 CR 00825/2  
Panel: Welbaum, Epley, Lewis  
Author: Jeffrey M. Welbaum  
Summary: Appellant's convictions for aggravated burglary, aggravated murder, and having a weapon while under disability were supported by sufficient evidence and were not against the manifest weight of the evidence. The trial court's decision to remove appellant from the courtroom following a repeated pattern of disruptive conduct during trial was reasonable and did not violate appellant's constitutional right to be present at trial. The trial court's decision to impose consecutive sentences was also proper, as it made all the required consecutive-sentence findings under R.C. 2929.14(C)(4) and incorporated those findings into its judgment entry, and the findings were not clearly and convincingly unsupported by the record. Judgment affirmed.

Case Name: *In re: J.C.S.*  
Case No: Montgomery C.A. No. 29690;  
T.C. Case No. G-2016-007513-0N,0R  
Panel: Welbaum, Tucker, Huffman  
Author: Jeffrey M. Welbaum  
Summary: There was competent, credible evidence from which the trial court could have clearly and convincingly found that all statutory elements for the termination of Mother's parental rights under R.C. 2151.414(B)(1) had been satisfied. Therefore, the trial court's judgment terminating Mother's parental rights and granting permanent custody of her child to a children services agency was not an abuse of discretion. Father's claim in an "appellee brief" that he had not been sufficiently notified of the permanent custody proceedings is not properly before this court, as Father did not appeal from the trial court's judgment. Also, Father waived any argument regarding notice of the permanent custody proceedings; his trial counsel appeared at all the proceedings, advised the trial court that he had communicated with Father, and stated that Father waived any defects in service and did not wish to participate in the proceedings. Judgment affirmed.

Case Name: *U.S. Bank National Association v. Cindy M. Lawson, et al.*  
Case No: Montgomery C.A. No. 29594; T.C. Case No. 2019 CV 00392  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: The trial court did not abuse its discretion in confirming the sale of appellant's foreclosed property. Any issues related to the judgment and decree of foreclosure should have been raised in a separate prior appeal. Judgment affirmed.

Case Name: *State of Ohio v. Dwain A. Stanford*  
Case No: Montgomery C.A. No. 29544; T.C. Case No. 2020 CR 03028  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: Appellant's conviction for aggravated robbery in violation of R.C. 2911.01(B) was based on sufficient evidence. The trial court's rejection of appellant's affirmative defense of not guilty by reason of insanity was not against the manifest weight of the evidence. Trial counsel did not render ineffective assistance by, among other things, moving to withdraw appellant's prior no contest plea. The trial court did not abuse its discretion when it denied appellant's motion for a continuance of the trial. Judgment affirmed.

Case Name: *State of Ohio v. Howard Eugene Good*  
Case No: Clark C.A. No. 2022-CA-39; T.C. Case No. 21-CR-0275  
Panel: Welbaum, Epley, Lewis  
Author: Christopher B. Epley  
Summary: The trial court did not abuse its discretion by denying appellant's presentence motion to withdraw his guilty plea because the court found, after a hearing, that appellant had simply had a change of heart. Judgment affirmed.