

September 22, 2022

111064 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JUSTIN A. HENDRICKSON

Affirmed.

Lisa B. Forbes, J., Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Sentencing; maximum sentence; R.C. 2929.11; R.C. 2929.12; R.C. 2929.14; ineffective assistance of counsel; mitigation; uncharged conduct; increased sentence.*

When a criminal defendant was not convicted of a repeat violent offender specification or ordered to serve consecutive sentences, trial courts are not required to make findings under R.C. 2929.14. Further, trial counsel are not required to make any findings under R.C. 2929.11 and 2929.12. Appellant did not receive ineffective assistance of counsel because, contrary to appellant's argument, his trial could did argue mitigation at sentencing. Finally, there is no support in the record for appellant's argument that the trial court improperly increased his prison sentence based on uncharged conduct.

111072 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
CEDAR BROOK FINANCIAL PARTNERS HOLDINGS, LLC, ET AL. v BRADLEY J. SCHLANG

Affirmed.

Emanuella D. Groves, J., Michelle J. Sheehan, P.J., and Lisa B. Forbes, J., concur.

KEY WORDS: *Arbitration; motion to stay proceedings; FINRA Rule 13200; contract interpretation.*

Parties disagree whether dispute arising out of contract dissolving Appellee's membership and employment arises out of their business activities making it subject to mandatory arbitration under FINRA Rule 13200. Given the strong preference for arbitration and the rather broad definition of "business activities," the trial court did not err in finding that all of Appellants' claims were subject to arbitration.

Additionally, the forum-selection clause in the parties' contract did not supersede the arbitration provisions already binding the parties.

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111077 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: J.C.

111078 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: G.C.

111149 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: G.C.

111150 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: J.C.

111151 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: J.C.

111152 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: G.C.

Affirmed in part, reversed in part, and remanded.

Anita Laster Mays, P.J., Frank Daniel Celebrezze, III, J., and Mary Eileen Kilbane, J., concur.

KEY WORDS: *Motion for custody; visitation modification; abuse of discretion; R.C. 3109.051(G)(1); attorney fees; child support modification.*

The trial court did not abuse its discretion in denying Mother's motion for custody. The trial court did not abuse its discretion in modifying the children's visitation with Mother because there was a change in circumstance that created the necessity to modify visitation. The trial court erred by failing to allocate health care expenses between Mother and Father and assign responsibility to Mother or Father for payment of uninsured or unreimbursed health care expenses for the period of October 15, 2015, to May 7, 2021. The trial court failed to strictly comply with the statute by requiring that both parties file a notice of intent to relocate. R.C. 3109.051(G)(1). The trial court erred when it failed to state the basis for the attorney fees determination. The trial court failed to use the correct standard when calculating the child support award.

111110 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JONATHAN ACOSTA

Reversed and remanded.

Frank Daniel Celebrezze, III, J., and Eileen T. Gallagher, J., concur; Anita Laster Mays, P.J., concurs in judgment only.

KEY WORDS: *Motion to withdraw plea; Crim.R. 32.1; postsentence; abuse of discretion; manifest injustice in the plea proceeding; newly discovered evidence; recantation; actual innocence.*

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(Case 111110 continued)

Because appellant failed to demonstrate manifest injustice in the plea proceeding, the trial court erred in granting his motion to withdraw guilty plea.

111164 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
JESSICA KATZ, D.O. v UNIVERSITY HOSPITALS HEALTH SYSTEM, INC., ET AL.

Reversed and remanded.

Kathleen Ann Keough, J., Sean C. Gallagher, A.J., and Michelle J. Sheehan, J., concur.

KEY WORDS: Civ.R. 12(B)(6); allegations; claims; fraud; duress; rescission; declaratory judgment; separation agreement.

Trial court erred in dismissing plaintiff's complaint pursuant to Civ.R. 12(B)(6) because the accepted-as-true allegations in the complaint set forth viable claims to survive a Civ.R. 12(B)(6) dismissal.

111193 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v VERLONDO R. HARPER

Affirmed and remanded.

Frank Daniel Celebrezze, III, P.J., Eileen A. Gallagher, J., and Cornelius J. O'Sullivan, Jr., J., concur.

KEY WORDS: Reagan Tokes Law; unconstitutional; jail-time credit; R.C. 2929.19(B)(2)(g)(i); R.C. 2967.191; trial court has duty to calculate jail-time credit.

The trial court did not err in sentencing appellant under the Reagan Tokes Law, which this court has previously determined to be constitutional. The trial court erred in awarding appellant only 687 days of jail-time credit rather than 714. This matter is remanded to the trial court for the limited purpose of correcting nunc pro tunc the clerical error in its judgment entry so that the entry reflects that appellant is entitled to 714 days of jail-time credit. The judgment of the trial court is otherwise affirmed.

111232 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
CHAD MALEK v ERESEARCH TECHNOLOGY, INC., ET AL.

CASE DECISION LIST

Affirmed.

Kathleen Ann Keough, P.J., Mary Eileen Kilbane, J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Summary judgment; fraud; negligent misrepresentation; Civ.R. 9(B); Civ.R. 12(C).*

Trial court properly granted summary judgment to appellees on appellant's fraud and negligent misrepresentation claims because appellant did not produce evidence to create a genuine issue of material fact on either claim; the trial court properly granted appellee's Civ.R. 12(C) motion for judgment on the pleadings regarding appellant's fraud claim because appellant did not plead fraud with particularity as required by Civ.R. 9(B).

111262	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v ANTHONY KNOX, III			

Reversed and remanded.

Anita Laster Mays, P.J., Lisa B. Forbes, J., and Emanuella D. Groves, J., concur.

KEY WORDS: *S.B. 201; Reagan Tokes Law; constitutionality.*

The trial court's refusal to impose sentencing under S.B. 201 known as the Reagan Tokes Law is in error based on this court's en banc decision in State v. Delvallie, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.).

111288	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v PAMELA A. LAWSON			

Affirmed.

Michelle J. Sheehan, P.J., Mary Eileen Kilbane, J., and Eileen T. Gallagher, J., concur.

KEY WORDS: *Motion to withdraw a guilty plea; jurisdiction.*

After appellant's conviction of aggravated murder was affirmed by the court of appeals, the trial court lacked jurisdiction to entertain appellant's motion to withdraw the guilty plea claiming her plea was not knowing, intelligent, and voluntary due to her trial counsel's defective performance during the plea proceeding.

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111443 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: K.E., ET AL.

Affirmed.

Frank Daniel Celebrezze, III, P.J., Lisa B. Forbes, J., and Emanuella D. Groves, J., concur.

KEY WORDS: R.C. 2151.353; temporary custody; neglect; R.C. 2151.01; abuse of discretion; best interest of the children; preponderance of the evidence.

The juvenile court did not abuse its discretion in awarding temporary custody of the children to CCDCFS.