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Ohio Fifth District Court of Appeals Case Summaries

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
State v. Eldridge	25CA000024	Appeal from the Knox County Court of Common Pleas, Case No. 25CR03-0042	Affirmed	Sentencing Defendant-Appellant Aaron Eldridge appealed the November 14, 2025 judgment of the Knox County Court of Common Pleas, challenging his aggregate indefinite sentence of 28 to 33.5 years following guilty pleas to trafficking in cocaine with specifications and four counts of illegal use of a minor in nudity-oriented material or performance. Eldridge argued that the trial court improperly imposed maximum consecutive sentences because the record did not support the required findings under R.C. 2929.14(C)(4) and because the sentence exceeded the parties' jointly recommended 20-year sentence. The Fifth District Court of Appeals rejected his arguments, noting that a trial court is not bound by a jointly recommended sentence and that Eldridge had agreed to consecutive sentences as part of his plea agreement. The court further found that the offenses involved three separate courses of conduct—drug trafficking, weapons, and child pornography—and that the trial court made the required consecutive-sentence findings at the sentencing hearing. Because the sentences were within the statutory ranges and the trial court considered the purposes and principles of felony sentencing under R.C. 2929.11 and the relevant factors under R.C. 2929.12, the appellate court concluded that the sentence was not clearly and convincingly contrary to law and affirmed the trial court.	King	8/10/2026
State v. Cox	2025 CA 0105	Appeal from the Court of Common Pleas of Richland County , Case No. 2025 CR 0282 R	Affirmed in Part and Reversed in Part; Case Remanded for Resentencing	A defendant who made threats against his probation officer and a magistrate during phone calls that he placed from the county jail was properly convicted on R.C. 2921.05(A) retaliation charges, but he must be resentenced because the trial judge did not state the necessary R.C. 2929.14(C)(4) findings at the sentencing hearing that might have justified the judge's imposition of consecutive prison terms in the case. Defendant-Appellant Michael Cox appealed his convictions for five felony counts of retaliation, arguing that the State presented insufficient evidence, that the convictions were against the manifest weight of the evidence, and that his trial counsel was ineffective. The Fifth District Court of Appeals rejected those arguments, finding that Cox's recorded jail calls contained threats against his probation officer and a magistrate, and that because Cox knew the calls were recorded and could be monitored, the threats could reasonably have been expected to reach the intended victims even though they were made to other individuals. The court also concluded that the jury did not lose its way in finding Cox guilty and that his ineffective-assistance claims were speculative and unsupported. However, the court agreed that the trial court failed to make all of the findings required by R.C. 2929.14(C)(4) before imposing consecutive prison sentences. Although the sentencing entry contained some findings, the trial judge did not make the required findings at the sentencing hearing that consecutive sentences were necessary to protect the public or punish Cox and were not disproportionate to his conduct and the danger he posed. Because Cox did not object at sentencing, the appellate court reviewed the issue for plain error but found the omission constituted plain error and rendered the sentence contrary to law. Accordingly, the court affirmed Cox's convictions, reversed the sentencing portion of the judgment, and remanded the case for a new sentencing hearing.	Gormley	8/10/2026
Meade v. Balzer	26 CA D 05 0052	Delaware County Case No. 26 CA D 05 0052	Denied	Habeas Corpus The Fifth District Court of Appeals denied Dejuan Meade's petition for a writ of habeas corpus, rejecting his claims that his \$200,000 bond was excessive and that the condition prohibiting him from using social media violated the First Amendment. Meade faced multiple felony charges arising from an alleged criminal enterprise involving fraud and the recruitment of participants through social media, and the trial court had increased his bond after finding substantial circumstantial evidence linking him to continued criminal activity while he was previously released on bond and had violated bond conditions. The appellate court concluded that, under either an abuse-of-discretion or de novo standard of review, Meade failed to present sufficient evidence establishing a right to release and that the seriousness of the offenses, public-safety concerns, evidence against him, and his prior failure to comply with bond conditions supported the \$200,000 bond. The court also upheld the social-media restriction, finding that it applied only if Meade posted bond and was narrowly tailored to protect the public because there was a sufficient connection between his alleged criminal activity and his use of social media. Accordingly, the court denied the requested writ of habeas corpus.	Popham	8/10/2026



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State v. Mayle	CT2026-0009	Appeal from the Court of Common Pleas of Muskingum County , Case No. CR2025-0672	Affirmed	The defendant's consecutive prison terms on four felony charges are affirmed where the record supports the trial court's sentencing-related findings and where the sentence is not otherwise contrary to law. Though the defendant argues that his sentence was improper because in his view he did not commit the "worst" form of the offense, that argument is a nonstarter because any reference to "worst" form of the offense was stripped from Ohio's sentencing statutes more than 10 years ago. Defendant-Appellant Leeron Mayle appealed the trial court's imposition of maximum consecutive prison terms for four fifth-degree felony offenses—three theft charges and one charge of possessing criminal tools—arising from a series of thefts from vehicles in a hotel parking lot. Mayle had agreed in his plea agreement that the offenses did not merge and that the findings necessary for consecutive sentences could be made, but the trial court rejected the parties' joint recommendation of 24 months and imposed four consecutive 12-month terms, for an aggregate 48-month sentence. Because Mayle did not object at sentencing and even stated that the judge "did the right thing," the appellate court reviewed the sentence only for plain error. The court found none, concluding that the maximum terms were within the statutory range and supported by the trial court's consideration of the felony-sentencing factors, including Mayle's lengthy criminal history, prior similar offenses, failure to pay restitution, and continued thefts. The court also found that the trial court properly made the required findings for consecutive sentences, including that the offenses were part of a course of conduct, caused unusually significant harm because victims lost tools needed for their livelihoods, and that consecutive sentences were necessary to protect the public and punish Mayle. Accordingly, the court affirmed Mayle's 48-month consecutive prison sentence.	Gormley	8/11/2026
In re M.M.A.	CT2025-0112 CT2025-0113 CT2025-0114 CT2025-0115	Appeal from the Court of Common Pleas of Muskingum County , Probate Division, Case Nos. 2025-4005 2025-4006 2025-4007 2025-4008	Affirmed	Where the evidence showed that no justifiable excuse existed for a mother's failure to provide any financial support for her children during the one-year period before the children's paternal grandparents filed a petition to adopt them, the probate court properly found, under R.C. 3107.07(A), that the mother's consent to the proposed adoption was not needed. In this adoption appeal, Keyle A. challenged the probate court's determination that her consent was not required for her four children's adoption by their paternal grandparents under R.C. 3107.07(A). The grandparents had legal custody of the children and filed the adoption petition in March 2025, while Keyle was incarcerated and had provided neither financial support nor meaningful contact with the children during the relevant one-year period. Although the trial court found both statutory exceptions applicable, the appellate court focused on Keyle's failure to provide maintenance and support. The court held that, even without a child-support order, R.C. 3103.03(A) imposed an independent duty on Keyle to support her children. Keyle admitted she had provided no money, necessities, or gifts during the relevant period, despite earning approximately \$22 per month in prison. The court rejected her arguments that her incarceration, limited income, and the grandparents' failure to request support constituted justifiable cause, noting that incarceration alone does not excuse a parent's support obligation and that even a minimal contribution could have satisfied the requirement. Because the evidence supported the finding that Keyle failed without justifiable cause to provide support, the court concluded that her consent was not required and affirmed the probate court's judgment.	Gormley	8/11/2026
State v. Krichbaum	2025 CA 00074	Appeal from the Licking County Court of Common Pleas, Case No. 2025-CR-00286	Affirmed	Sufficient evidence support conviction for rape by force/threat of force and conviction was not against the manifest weight of the evidence. Appellant not prejudiced by counsel's failure to move for acquittal Benjamin Krichbaum appealed his convictions for kidnapping and rape following a jury trial, arguing that the evidence was insufficient to establish rape by force, that his rape conviction was against the manifest weight of the evidence, and that his trial counsel was ineffective for failing to move for a judgment of acquittal. The appellate court affirmed, noting that the kidnapping conviction merged with the rape conviction for sentencing purposes and therefore any challenge to the kidnapping count was harmless. Regarding the rape conviction, the court found sufficient evidence that Krichbaum used force after initially consensual sexual activity became painful and H.Q. repeatedly told him to stop, attempted to move away, and began dressing, but he pushed her back down and continued the sexual conduct. The court also concluded that the conviction was not against the manifest weight of the evidence because the jury was entitled to credit H.Q.'s testimony, which was corroborated by extensive physical injuries documented by a sexual-assault nurse and Krichbaum's subsequent text messages expressing remorse and acknowledging that he failed to stop. Finally, the court rejected the ineffective-assistance claim because a Crim.R. 29 motion was not necessary to preserve the sufficiency challenge and, in any event, such a motion would have been futile because the State presented sufficient evidence. Accordingly, the court overruled all three assignments of error and affirmed Krichbaum's conviction and sentence.	Popham	8/11/2026



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Bath v. Rudisill	2026 CA 00016	Appeal from the Fairfield County Court of Common Pleas, Case No. 2024 CV 00577	Dismissed in part; Affirmed in part	Forcible entry and detainer; Final appealable order Steven Rudisill appealed the Fairfield County Court of Common Pleas' judgment granting Jasmer Bath restitution of real property and issuing an order of possession for farm equipment. The appellate court dismissed Rudisill's first assignment of error because the replevin order of possession was interlocutory and not a final appealable order, as the trial court had not yet entered a final judgment determining permanent possession of the equipment or damages. Regarding Rudisill's remaining assignments, he argued that Bath waived the three-day notice to vacate by accepting rent payments after the notice was served. The court rejected this argument, explaining that acceptance of payments for obligations that had already accrued does not waive a notice to vacate, and that one check tendered after the notice was never cashed and therefore did not constitute acceptance. The court also noted that the forcible entry and detainer action was based not on failure to pay rent, but on Rudisill's failure to vacate, return the equipment, clean up the property, and remedy zoning violations. Because Bath's acceptance of payments for prior obligations was not inconsistent with the notice to vacate, the court found no abuse of discretion and overruled the second and third assignments of error. Accordingly, the appeal was dismissed as to the first assignment of error and the trial court's judgment was affirmed as to the remaining assignments.	Baldwin	8/11/2026
State v. Gates	2025 CA 00049	Appeal from the Fairfield County Court of Common Pleas, Case No. 2023 CR 00019	Affirmed	Sentencing Defendant-Appellant Christopher Gates, Jr. appealed the Fairfield County Court of Common Pleas' denial of his Motion for Sentence Clarification, arguing that the trial court abused its discretion and violated his due process rights by denying his motion and a related Motion for Status and Update without a hearing. Gates had pleaded guilty to five offenses and received an aggregate sentence of 4.5 to 5.5 years in prison. He later sought clarification regarding the order in which the Bureau of Sentence Computation (BOSC) was requiring him to serve his sentences. The appellate court rejected his argument, finding no authority allowing the trial court to direct the BOSC regarding the order of sentence service. Because Gates' motion was not the proper vehicle for challenging an alleged BOSC error, and a writ of mandamus was the appropriate remedy, the trial court did not abuse its discretion by denying the motion without a hearing. The court therefore overruled Gates' sole assignment of error and affirmed the trial court's judgment.	King	8/11/2026
State v. Travick	2025 CA 00128	Appeal from the Stark County Court of Common Pleas, Case No. 2025 CR 0746	Affirmed	Sufficiency and manifest weight; strangulation and domestic violence Defendant-Appellant Anton Travick appealed his convictions for strangulation and domestic violence following a bench trial in the Stark County Court of Common Pleas, arguing that the State presented insufficient evidence and that his convictions were against the manifest weight of the evidence. The charges arose from an incident involving Travick and his live-in girlfriend, who testified that Travick choked her twice until she lost consciousness, struck her repeatedly with a broomstick, and caused injuries and pain to her neck and throat. A responding officer corroborated portions of her account by observing that she was extremely upset, had difficulty speaking, was wincing in pain, and had red marks and scratches on her neck. Travick denied any physical involvement and challenged the victim's credibility, but the trial court found the victim's detailed testimony credible. The Fifth District Court of Appeals held that the evidence, viewed in the light most favorable to the State, was sufficient for a rational factfinder to find the elements of strangulation and domestic violence proven beyond a reasonable doubt, and it found no indication that the trial court lost its way or created a manifest miscarriage of justice. Accordingly, both assignments of error were overruled, and Travick's convictions and sentence were affirmed.	King	8/12/2026
In re Z.Y.	2026C0052	Appeal from the Richland County Court of Common Pleas, Juvenile Division, Case No. 2024 DEP 00180	Affirmed	Father's appeal on permanent custody and legal custody Father A.R. appealed the Richland County Juvenile Court's decision terminating his parental rights and granting permanent custody of his child, Z.Y., to Richland County Children Services Board (RCCSB), as well as the denial of his request for legal custody for himself or his parents. The Fifth District Court of Appeals affirmed, finding that A.R. had waived all but plain-error review by failing to object to the magistrate's decision, and that no plain error occurred. The record showed that although A.R. established paternity, he failed to engage with RCCSB, never visited or supported the child, did not participate in services, had periods of incarceration and recent criminal offenses, and had no contact with the child for more than 90 days, supporting the trial court's finding of abandonment and lack of parental commitment. The child had been in foster care with a sibling, was doing well, had bonded with the foster family, and the foster parents wished to adopt the children; the guardian ad litem also recommended permanent custody to RCCSB. The appellate court concluded that the trial court properly found permanent custody to be in the child's best interest and did not lose its way in terminating A.R.'s parental rights. The court also rejected the challenge concerning the paternal grandparents, noting they had minimal contact with the child, did not appear at the hearings, did not file their own custody motion or required statement of understanding, and had not visited the child during the agency's custody. Accordingly, both assignments of error were overruled and the juvenile court's judgment was affirmed.	King	8/12/2026



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State v. Burrie	CT2026-0015	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0314	Affirmed	Suppression; Crim.R. 29; Agg. Traff., Agg. Poss. Defendant-Appellant Rylan Burrie appealed his convictions for multiple counts of aggravated trafficking, trafficking, aggravated possession, and possession of methamphetamine, cocaine, psilocybin, and hydrocodone, along with firearm and other specifications, resulting in a sentence of 29 to 34½ years in prison. Burrie first argued that the trial court improperly denied his motion to suppress because the search-warrant affidavit incorrectly stated that his girlfriend had seen him use drugs "while at her apartment." The Fifth District Court of Appeals rejected the argument, finding that the officer did not intentionally or recklessly include false information and that, even after removing the inaccurate statement, the affidavit still established probable cause through information from another drug trafficker, controlled drug purchases, corroborating text messages, and the girlfriend's statement that she had seen Burrie with narcotics. The court also noted that the good-faith exception would apply. Burrie also argued that the State failed to present sufficient evidence because it did not establish an adequate chain of custody for the seized drugs. The appellate court rejected this claim because a perfect chain of custody is not required, and any breaks or irregularities generally affect the weight rather than the admissibility of evidence; moreover, Burrie did not object to the drug evidence at trial. The court therefore overruled both assignments of error and affirmed the judgment of the Muskingum County Court of Common Pleas.	Hoffman	8/12/2026
In re Estate of Burnett	25 CAF 08 0071	Appeal from the Delaware County Court of Common Pleas, Probate Division, Case No. 2212-1964-PES	Affirmed	Appellate review of Trial Court's decision on objections from magistrate's decision is limited due to failure to file transcript of magistrate's hearing to Trial Court - Appellate review limited to whether the Trial Court's application of the law to the factual findings was an abuse of discretion Appellant Cassandra Wiltz appealed the Delaware County Probate Court's decision overruling her objections to magistrate decisions awarding attorney Nickolas McCoy \$7,997.84 in attorney fees and expenses and permitting him to withdraw as counsel in the administration of Decedent Dan L. Burnett, Sr.'s estate. The Fifth District Court of Appeals affirmed, emphasizing that Wiltz failed to provide a transcript or affidavit of the evidence from the magistrate's hearing as required to challenge factual findings, which required the trial court to accept the magistrate's factual findings and limited appellate review to whether the trial court abused its discretion in applying the law. The appellate court found no abuse of discretion and concluded the magistrate's legal conclusions were supported by the established factual findings. The court also limited the scope of the appeal to the July 30, 2025 judgment approving attorney fees because Wiltz had previously been declared a vexatious litigator and was granted leave to appeal only the attorney-fee judgment. Finally, because Wiltz's appellate brief exceeded the applicable 30-page limit without permission, the court declined to consider portions of her fifth assignment of error beyond page 30 and her entire sixth assignment of error. Accordingly, all properly reviewable assignments of error were overruled, and the probate court's judgment was affirmed.	Hoffman	8/12/2026