

**THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
April 20, 2018**

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: *Lynda J. Cropper, nka Sadler v. James T. Cropper*
Case No: Champaign App. No. 2017-CA-13; T.C. No. 10-DR-287
Panel: Donovan, Froelich, Tucker
Author: Michael L. Tucker
Summary: The Defendant-appellant has not caused a transcript of the proceedings before the trial court to be prepared and filed. As such, the regularity of the trial court proceedings must be presumed. Judgment affirmed. (Froelich, J., concurring.)

Case Name: *State of Ohio v. Douglas L. Lawson*
Case No: Champaign App. No. 2017-CA-28; T.C. No. 17-CR-100
Panel: Donovan, Froelich, Tucker
Author: Michael L. Tucker
Summary: Defendant-appellant has not demonstrated by clear and convincing evidence that the record does not support the sentences imposed by the trial court. Further, Defendant-appellant's sentences are not subject to vacation under R.C. 2929.13(B)(1)(c), and the trial court correctly calculated the amount of jail time credit to which Defendant-appellant is entitled. Judgment affirmed. (Froelich, J., concurring.)

Case Name: *Herbert E. Smith v. Brenda L. Smith, nka Moore*
Case No: Montgomery App. No. 27849; T.C. No. 03-DM-166
Panel: Welbaum, Froelich, Hall
Author: Jeffrey E. Froelich
Summary: The trial court did not abuse its discretion in terminating the parties' shared parenting agreement and designating mother as the legal and custodial parent. The parties had not actively engaged in "shared" parenting or had any direct communication for many years. Further, child's desire for a change in the parenting arrangement was entitled to significant weight. Judgment affirmed.

Case Name: *George Helms v. Lisa Thomas, et al.*
Case No: Montgomery App. No. 27744; T.C. No. 16-CV-3740
Panel: Welbaum, Froelich, Hall

Author: Michael T. Hall
Summary: The trial court did not err by appointing a receiver over property owned by Appellee R Boulevard Properties, LLC. There is clear and convincing evidence to support the trial court's decision that the appointment was appropriate and necessary. Judgment affirmed.

Case Name: *Ted Gillespie v. Waterwheel Farms, Inc., et al.*
Case No: Miami App. No. 2017-CA-16; T.C. No. 16-CV-231
Panel: Froelich, Hall, Tucker
Author: Michael T. Hall
Summary: The trial court erred in entering summary judgment against the appellant on his strict-liability dog-bite claim under R.C. 955.28(B). Genuine issues of material fact exist as to whether a criminal-trespass affirmative defense to strict liability applied. Judgment reversed and cause remanded.

Case Name: *State of Ohio v. Stephen C. Kaeser*
Case No: Champaign App. No. 2017-CA-29; T.C. No. 14-CR-182
Panel: Froelich, Hall, Tucker
Author: Michael T. Hall
Summary: We find no arguable merit to this appeal under *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Appellant had pled guilty to one count of Unlawful Sexual Conduct with a Minor and one count of Corrupting Another with Drugs, and he was sentenced to community control sanctions in October 2014. He did not appeal the convictions. In July 2015, he failed to report and absconded. On October 6, 2017, appellant admitted to community control violations and was sentenced to prison consistent with the sentences reserved at the time of the original conviction. There are no non-frivolous issues supporting a potential assignment of error of arguable merit. Judgment affirmed.