

**THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
CASE SUMMARIES  
June 8, 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: *State of Ohio v. Steven A. Blackson*  
Case No: Greene App. No. 2017-CA-58; T.C. No. 17-CR-10  
Panel: Donovan, Hall, Tucker  
Author: Michael T. Hall  
Summary: Appellant's conviction for rape of a person under the age of thirteen is not against the manifest weight of the evidence. The weight of the evidence supports finding that when the sexual conduct occurred, the victim was eleven years old. Judgment affirmed.

Case Name: *State of Ohio v. Antwane M. Day*  
Case No: Montgomery App. No. 27770; T.C. No. 17-CR-1896  
Panel: Welbaum, Donovan, Hall  
Author: Jeffrey M. Welbaum  
Summary: This court is unable to review the trial court's judgment granting Appellee's motion to suppress evidence because the trial court failed to make a finding as to whether there was probable cause to arrest Appellee for drug trafficking. The judgment of the trial court is therefore reversed and the matter is remanded so that the trial court can issue a decision indicating whether there was probable cause to arrest Appellee. (Donovan, J., dissenting.)

Case Name: *State of Ohio v. Matthew L. Jones*  
Case No: Greene App. No. 2017-CA-27; T.C. No. 16-CR-299  
Panel: Welbaum, Hall, Tucker  
Author: Michael L. Tucker  
Summary: Defendant-appellant's counsel filed a brief under the authority of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967) concluding that there are no meritorious issues to present on appeal. After conducting an independent review of the record, consistent with our duty under *Anders*, we also find no issues with arguable merit for appeal. Affirmed.

Case Name: *Shelly Howard v. Jonathan Howard*  
Case No: Montgomery App. No. 27826; T.C. No. 17-DV-1114  
Panel: Donovan, Hall, Tucker  
Author: Michael L. Tucker  
Summary: Appellant appeals pro se from a judgment granting Appellee a domestic violence civil protection order. Appellant did not file a transcript, or a proper substitute, of the hearing resulting in the issuance of the protection order. In the absence of a transcript, or an appropriate substitute, the regularity of the proceedings before the trial court must be presumed unless the limited record for review demonstrates error. The limited record does not demonstrate any error; therefore, based upon the presumption of regularity, the trial court's judgment must be affirmed. Judgment affirmed.

Case Name: *State of Ohio v. Bryant M. Cencebaugh*  
Case No.: Montgomery App. No. 27665; T.C. No. 16-CR-3676  
Panel: Donovan, Hall, Tucker  
Author: Mary E. Donovan  
Summary: Appellant's 11-month sentence for aggravated possession of drugs, felony of the fifth degree, is not contrary to law and is supported by the record, given Appellant's lengthy criminal history. Judgment affirmed. (Hall, J., concurring.) (Tucker, J., concurring.)

Case Name: *State of Ohio v. Robert Winston Mayberry*  
Case No: Montgomery App. No. 27530; T.C. No. 16-CR-2963  
Panel: Welbaum, Froelich, Tucker  
Author: Jeffrey E. Froelich  
Summary: *Anders* appeal with pro se brief. No non-frivolous issues found regarding the trial court's denial of defendant's motion to suppress, the plea hearing, and defendant's sentence. No potentially meritorious claim of ineffective assistance of counsel exists. No non-frivolous issues found upon an independent review. Judgment affirmed.

Case Name: *State of Ohio v. Gary S. Miller*  
Case No: Montgomery App. No. 27725; T.C. No. 17-CR-827  
Panel: Welbaum, Froelich, Tucker  
Author: Jeffrey E. Froelich  
Summary: Trial court did not err in denying defendant's motion to dismiss the indictment on double jeopardy grounds. Applying the test set forth in *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932), the State was not barred from bringing a successive prosecution for receiving stolen property (a motor vehicle) after defendant's conviction in another county for grand theft of the same motor vehicle. Judgment affirmed.

Case Name: *State of Ohio v. Bennie Coleman, Jr.*  
Case No: Montgomery App. No. 27702; T.C. No. 16-CR-2950  
Panel: Welbaum, Donovan, Froelich  
Author: Jeffrey E. Froelich  
Summary: Trial court did not err in denying defendant's motion to suppress the robbery victim's show-up identification of defendant. The State presented sufficient evidence that defendant had an operable firearm during the robbery. The trial court did not abuse its discretion in allowing the admission of a gun and ammunition located 18 days after the robbery in the location where defendant had fled from the police. Judgment affirmed.