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Lima v. Stepleton

Court of Appeals of Ohio, Third District, Allen County - December 23, 2013 - N.E.2d - 2013-Ohio- 5655

On November 19, 2012, a criminal complaint was filed in Lima Municipal Court charging Stepleton with one count of failure to confine a vicious dog in violation of Lima City Ordinance ("LCO") 618.125(D), a minor misdemeanor. Stapleton entered a plea of no contest and appealed.

In his third and fifth assignments of error, Stepleton essentially argued that his conviction should be reversed because LCO 618.125(D) is unconstitutional under the Home Rule Amendment to the Ohio Constitution. Specifically, Stepleton asserted that LCO 618.125(D) conflicts with certain provisions of R.C. Chapter 955. As such, he claims that the trial court erred in applying LCO 618.125(D).

The Court of Appeals agreed with Stapleton, reversing his conviction.