

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 23, 2019

[Cite as 01/23/2019 Case Announcements #2, 2019-Ohio-173.]

MOTION AND PROCEDURAL RULINGS

2014-1862. State v. Myers.

Warren C.P. No. 14CR29826. On appellant's application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2018-1611. State v. Norman.

Cuyahoga App. No. 105218, 2018-Ohio-2929. On motion for leave to file delayed appeal. Motion fails for want of four votes.

O'Connor, C.J., and Kennedy and DeWine, JJ., would deny the motion.

French, Fischer, and Donnelly, JJ., would grant the motion.

Stewart, J., not participating.

2018-1623. State v. Russell.

Clark App. No. 2011-CA-10, 2012-Ohio-4316. On motion for leave to file delayed appeal. Motion denied.

2018-1633. State v. Hayes.

Cuyahoga App. No. 104818, 2017-Ohio-7716. On motion for leave to file delayed appeal. Motion denied.

O'Connor, C.J., and Stewart, J., dissent.

2018-1638. State v. Williams.

Cuyahoga App. No. 106484, 2018-Ohio-3792. On motion for leave to file delayed appeal. Motion denied.

DeWine, Donnelly, and Stewart, JJ., dissent.

2018-1639. State v. Campbell.

Franklin App. No. 17AP-713, 2018-Ohio-3181. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., and Fischer, J., dissent.

2018-1645. State v. McWay.

Allen App. No. 1-17-42, 2018-Ohio-3618. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

2018-1649. State v. Lee.

Lake App. No. 2017-L-148, 2018-Ohio-2252. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2018-1659. State v. Little.

Lucas App. No. L-17-1008, 2018-Ohio-2864. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., and French and Stewart, JJ., dissent.

2018-1662. State v. Phillips.

Mahoning App. No. 15 MA 0218, 2018-Ohio-3732. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., dissents.

2018-1664. State v. Reed.

Montgomery App. No. 27824, 2018-Ohio-4047. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

2018-1683. State v. Moore.

Franklin App. No. 18AP-127, 2018-Ohio-3882. On motion for leave to file

delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days. Appellant's motion to dismiss appellee's memorandum denied.

O'Connor, C.J., and Fischer, J., dissent and would deny the motion for delayed appeal.

2018-1691. State v. Garrett.

Montgomery App. No. 27264, 2017-Ohio-8492. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

2018-1692. State v. Dixon.

Franklin App. No. 17AP-884, 2018-Ohio-3759. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., and Kennedy, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2018-1537. State v. Bell.

Franklin App. No. 17AP-645, 2018-Ohio-3576. Cause accepted and held for the decision in 2018-1144, *State v. Harper*.

APPEALS NOT ACCEPTED FOR REVIEW

2018-1208. State v. Ivery.

Summit App. No. 28551, 2018-Ohio-2177.

2018-1270. State v. Clements.

Hamilton App. No. C-170447.

2018-1310. State v. Ramey.

Montgomery App. No. 27636, 2018-Ohio-3072. On appeal and cross-appeal.

Fischer, J., dissents and would accept the cross-appeal.

Stewart, J., dissents and would accept the appeal on proposition of law No.

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2018-1358. State v. Siemering.

Hamilton App. No. C-170611, 2018-Ohio-3541.

2018-1370. State v. Ogle.

Hocking App. No. 17CA4, 2018-Ohio-354. Appellant's motion for leave to file amended notice of appeal granted. Appellant's motion for leave to file amended memorandum in support of jurisdiction denied.

Fischer, J., concurs.

French, Donnelly, and Stewart, JJ., would deny appellant's motion for leave to file amended notice of appeal.

O'Connor, C.J., and Kennedy and DeWine, JJ., would grant appellant's motion for leave to file amended memorandum in support of jurisdiction.

2018-1384. State v. Hart.

Cuyahoga App. No. 105673, 2018-Ohio-3272.

Fischer, J., dissents.

Stewart, J., not participating.

2018-1405. State v. Lorraine.

Trumbull App. No. 2017-T-0028, 2018-Ohio-3325.

2018-1486. State v. Carr.

Montgomery App. Nos. 27960 and 28080.

2018-1487. State v. Olagbemi.

Hamilton App. Nos. C-170451 and C-170452, 2018-Ohio-3540.

Donnelly, J., dissents.

2018-1488. Grubb & Assocs., L.P.A. v. Brown.

Lorain App. No. 17CA011201, 2018-Ohio-3526.

2018-1496. State v. Horton.

Muskingum App. No. CT2018-0019, 2018-Ohio-3231.

2018-1497. State v. Lester.

Cuyahoga App. No. 105992, 2018-Ohio-3041.

French, J., dissents and would accept the cause on proposition of law Nos. III and IV.

Stewart, J., not participating.

2018-1504. State v. Mayweather.

Licking App. No. 17-CA-84, 2018-Ohio-1686.
Donnelly and Stewart, JJ., dissent.

2018-1506. State v. Ojile.

Hamilton App. Nos. C-110677 and C-110678, 2012-Ohio-6015.
Fischer and DeWine, JJ., not participating.

2018-1509. State v. Miku.

Stark App. No. 2017 CA 00057, 2018-Ohio-1584.

2018-1510. State v. Hundley.

Cuyahoga App. No. 106235, 2018-Ohio-3566.
Stewart, J., dissents.

2018-1512. Hall v. Greater Cleveland Regional Transit Auth.

Cuyahoga App. No. 106527, 2018-Ohio-3582. Appellant's motion for stay denied.
O'Connor, C.J., would deny appellant's motion for stay as moot.
Donnelly, J., not participating.

2018-1519. State v. Davidson.

Fayette App. Nos. CA2017-08-015 and CA2017-08-016, 2018-Ohio-1779.

2018-1521. Tobin v. Steptoe & Johnson, P.L.L.C.

Franklin App. No. 17AP-821, 2018-Ohio-2957.

2018-1522. State v. Flores.

Wood App. No. WD-18-016, 2018-Ohio-3980.

2018-1524. Gatling Ohio, L.L.C. v. Allegheny Energy Supply Co., L.L.C.

Franklin App. No. 17AP-188, 2018-Ohio-3636.

2018-1526. Bank of New York Mellon v. Kohn.

Mahoning App. No. 17 MA 0164, 2018-Ohio-3728.
Fischer and Donnelly, JJ., dissent.

2018-1527. State v. Middlebrook.

Hamilton App. No. C-140424. Scheduled for jurisdiction question.
Fischer, J., not participating.

2018-1528. State v. Schofield.

Allen App. No. 1-18-25, 2018-Ohio-3617.

2018-1532. Intralot, Inc. v. Blair.

Franklin App. No. 17AP-444, 2018-Ohio-3873. Appellant's motion for stay of judgment pending appeal denied.

Fischer and Donnelly, JJ., would deny appellant's motion for stay of judgment pending appeal as moot.

2018-1536. Kirk Excavating & Constr., Inc. v. RKJ Ents., L.L.C.

Carroll App. No. 18 CA 0926, 2018-Ohio-3735.

2018-1538. State v. Lewis.

Adams App. No. 17CA1055, 2018-Ohio-3784.

2018-1540. Watkins v. Columbus City Schools Bd. of Edn.

Franklin App. No. 18AP-76, 2018-Ohio-3691.

2018-1541. State v. Horsley.

Jackson App. No. 18CA4, 2018-Ohio-4203.

Stewart, J., dissents.

2018-1542. State v. Smith.

Muskingum App. Nos. CT2017-0062 and CT2017-0063, 2018-Ohio-3702.

Donnelly, J., dissents.

2018-1544. State v. Westerfield.

Crawford App. No. 3-17-16, 2018-Ohio-2139.

2018-1546. Wells Fargo Bank, N.A. v. Herman.

Montgomery App. No. 27854, 2018-Ohio-3700.

Donnelly, J., dissents.

2018-1547. State v. Hernandez.

Cuyahoga App. No. 106483, 2018-Ohio-3672.

French and Stewart, JJ., dissent.

2018-1549. State v. Walker.

Cuyahoga App. No. 106414, 2018-Ohio-3669.

Donnelly, J., dissents.

Stewart, J., not participating.

2018-1550. Franklin Cty. Sheriff v. Teamsters Local No. 413.

Franklin App. No. 17AP-717, 2018-Ohio-3684.

DeWine, J., dissents.

2018-1554. State v. Threats.

Jefferson App. No. 18 JE 0003, 2018-Ohio-3825.

2018-1560. Saffold v. Black Economic Union of Ohio.

Cuyahoga App. No. 107488. Appellant's motion to consolidate case with case No. 2018-1561 denied as moot.

French and Donnelly, JJ., dissent and would accept the appeal and grant appellant's motion to consolidate.

2018-1561. Saffold v. Black Economic Union of Ohio.

Cuyahoga App. No. 107608. Appellant's motion to consolidate case with case No. 2018-1560 denied as moot.

French and Donnelly, JJ., dissent and would accept the appeal and grant appellant's motion to consolidate.

2018-1564. Bollinger v. Dept. of Edn.

Marion App. No. 9-18-07, 2018-Ohio-3714.

2018-1566. State v. Ojezua.

Montgomery App. No. 27768, 2018-Ohio-3812.

2018-1567. State v. Drawl.

Trumbull App. No. 2018-T-0011, 2018-Ohio-4084.

2018-1568. Pantages v. Becker.

Cuyahoga App. No. 106407, 2018-Ohio-3170.

Donnelly and Stewart, JJ., not participating.

2018-1570. Wolford v. Willis.

Gallia App. No. 17CA9, 2018-Ohio-3937.

2018-1571. State v. Parks.

Columbiana App. No. 17 CO 0027, 2018-Ohio-3975.

2018-1572. State v. Hall.

Trumbull App. No. 2017-T-0032, 2018-Ohio-1676. Appellant's motion to dismiss or strike memorandum in opposition to jurisdiction denied. Appellee's motion to strike or in the alternative motion in opposition to appellant's motion to dismiss or strike memorandum in response to jurisdiction denied as moot.

Fischer, DeWine, and Donnelly, JJ., would deny appellant's motion to dismiss or strike memorandum in opposition to jurisdiction as moot.

2018-1573. Bakhtiar v. Saghafi.

Cuyahoga App. No. 106587, 2018-Ohio-3796.

2018-1574. State v. Teagarden.

Licking App. No. 17-CA-96, 2018-Ohio-3767.

2018-1582. Lloyd v. Roosevelt Properties, Ltd.

Cuyahoga App. No. 105721, 2018-Ohio-3163.

2018-1584. State v. Scott.

Cuyahoga App. Nos. 106451 and 106474, 2018-Ohio-3791.

2018-1586. Fries v. Greg G. Wright & Sons, L.L.C.

Hamilton App. No. C-1600818.

Fischer, J., not participating.

2018-1588. State v. Gilbert.

Cuyahoga App. No. 106358, 2018-Ohio-3789.

Donnelly, J., dissents.

2018-1589. Dublin Express Transport Solutions, Ltd. v. Dept. of Job & Family Servs.

Franklin App. No. 17AP-604, 2018-Ohio-3877.

Kennedy, J., dissents.

2018-1590. State v. Stotts.

Muskingum App. No. CT2017-0071, 2018-Ohio-3904.

2018-1593. State v. Reber.

Mahoning App. No. 17 MA 0028, 2018-Ohio-4016.
Kennedy, J., dissents.

2018-1607. State v. Turner.

Summit App. No. 28775, 2018-Ohio-3898.

2018-1609. State v. Johnson.

Cuyahoga App. No. 106532, 2018-Ohio-3999.

2018-1610. State v. Swanson.

Cuyahoga App. No. 106566, 2018-Ohio-4111.
Donnelly, J., not participating.

2018-1615. In re B.D.

Delaware App. Nos. 18 CAF 01 0003 and 18 CAF 01 0004, 2018-Ohio-3945.

2018-1616. John A. Becker Co. v. Jedson Eng., Inc.

Montgomery App. No. 27891, 2018-Ohio-3924.

2018-1624. State v. Walker.

Hamilton App. No. C-170321, 2018-Ohio-3918.

2018-1637. State v. Martin.

Montgomery App. No. 27844, 2018-Ohio-3505.

2018-1641. State v. Foster.

Hamilton App. No. C-170245, 2018-Ohio-4006.

French, J., dissents, and would accept the appeal on proposition of law No. I
and appoint counsel for appellant.

2018-1642. Alford v. Coleman.

Lucas App. No. L-18-1172.

2018-1643. State v. Barker.

Montgomery App. No. 27472, 2018-Ohio-2044.

2018-1644. State v. Miller.

Clermont App. No. CA2018-04-019, 2018-Ohio-4258.

2018-1647. State v. Franklin.

Franklin App. No. 17AP-352.

French, J., not participating.

2018-1650. State v. Pyles.

Scioto App. No. 17CA3790, 2018-Ohio-4034.

2018-1653. U.S. Bank Natl. Assn. v. Martin.

Hamilton App. No. C-170338.

2018-1657. State v. Armengau.

Franklin App. No. 17AP-852, 2018-Ohio-4299.

2018-1661. State v. Pelfrey.

Montgomery App. No. 27474, 2018-Ohio-2427.

2018-1674. State v. Tyburski.

Lorain App. No. 18CA011291, 2018-Ohio-4248.

2018-1679. Dailey v. Dept. of Rehab. & Corr.

Franklin App. No. 18AP-21, 2018-Ohio-3500.

2018-1680. State v. Cauthon.

Franklin App. No. 18AP-329, 2018-Ohio-3807.

2018-1681. State v. Smith.

Hamilton App. No. C-180563.

Fischer and DeWine, JJ., not participating.

2018-1687. State v. Tubbs.

Miami App. No. 18CA-19.

2018-1693. State v. White.

Cuyahoga App. No. 106490, 2018-Ohio-3673.

Stewart, J., not participating.