

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 16, 2019

[Cite as *10/16/2019 Case Announcements*, 2019-Ohio-4177.]

MERIT DECISIONS WITH OPINIONS

2017-1579 and 2017-1609. State v. Braden, Slip Opinion No. 2019-Ohio-4204.

Franklin App. No. 17AP-48, 2017-Ohio-7903. Motion for reconsideration granted, judgment reversed, and cause remanded.

O'Connor, C.J., and French, Donnelly, and Stewart, JJ., concur.

Kennedy, J., dissents, with an opinion joined by DeWine, J.

Fischer, J., dissents, with an opinion.

2018-1177. State v. Hawkins, Slip Opinion No. 2019-Ohio-4210.

Fayette App. No. CA2017-07-013, 2018-Ohio-1983. Judgment affirmed.

O'Connor, C.J., and Kennedy, French, Fischer, and DeWine, JJ., concur.

Stewart, J., concurs in judgment only.

Donnelly, J., dissents, with an opinion.

2019-0398. State ex rel. Ellis v. Cleveland Police Forensic Laboratory, Slip Opinion No. 2019-Ohio-4201.

Cuyahoga App. No. 107571, 2019-Ohio-710. Judgment affirmed and cause remanded.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0501. Cincinnati Bar Assn. v. Jackson, Slip Opinion No. 2019-Ohio-4203.

On Certified Report by the Board of Professional Conduct, No. 2017-034. Kory Akin Jackson, Attorney Registration No. 0072572, last known business address in

Cincinnati, Ohio, suspended from the practice of law for six months, fully stayed on conditions.

Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.
O'Connor, C.J., would not stay the suspension.

MERIT DECISIONS WITHOUT OPINIONS

2018-1099. State ex rel. Guilfoyle v. Indus. Comm.

Franklin App. No. 17AP-408, 2018-Ohio-2412. Sua sponte, appeal dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0677. McDougald v. Greene.

In Mandamus. Sua sponte, alternative writ granted. The following briefing schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

O'Connor, C.J., and Kennedy, French, Fischer, and Stewart, JJ., concur.
DeWine and Donnelly, JJ., dissent.

2019-0713. State ex rel. Doe v. Ohio State Univ.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for leave to proceed anonymously denied as moot.

O'Connor, C.J., and French, Fischer, and Donnelly, JJ., concur.

Kennedy and DeWine, JJ., dissent and would deny relator's motion for leave to proceed anonymously and would allow seven days for the filing of a new complaint under his name.

Stewart, J., dissents and would deny the motion to dismiss.

2019-0864. State ex rel. Byers v. S. Euclid.

In Mandamus. Sua sponte, alternative writ granted. The following briefing schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relators shall file a brief within 10 days after the filing of the evidence, respondents shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondents' brief.

Relators' motion to enforce confidentiality of mediation and memorandum in support denied.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, and Stewart, JJ., concur.

Donnelly, J., not participating.

2019-0995. State ex rel. Fetherolf v. Murray.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's "response and motion for time not given" and motion to strike denied.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1018. Finnell v. Cunningham.

In Prohibition. On S.Ct.Prac.R. 12.04 determination. Relator's motion to vacate void judgment and motion for default judgment denied. Cause dismissed.

O'Connor, C.J., and Kennedy, French, DeWine, and Donnelly, JJ., concur.

Stewart, J., dissents and would grant an alternative writ.

Fischer, J., not participating.

2019-1049. Johnson v. Gallagher.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1085. State ex rel. Baxter v. Eighth Dist. Court of Appeals.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1093. Novak v. Spanagel.

In Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion for stay denied. Relator's motion for issuance of expedited alternative writ denied as moot. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1118. State ex rel. Kelley v. Farmer.

In Mandamus. On respondent's motion to dismiss. Motion granted. Respondent's motion to strike relator's reply denied. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1119. Monford v. Dept. of Rehab. & Corr.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1159. Gerald v. Lebanon Corr. Inst.

In Habeas Corpus. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1189. State ex rel. Jones v. Barker.

In Habeas Corpus. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-1219. Mobley v. LaRose.

In Habeas Corpus. On petitioner's request for judicial notice of adjudicative facts and Ohio law. Request denied. Petitioner's motion for oral argument denied. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2018-0506. State ex rel. Cincinnati Enquirer v. Oda.

Warren App. No. CA2017-08-130, 2018-Ohio-704. Sua sponte, appellant ordered to show cause within 14 days why this appeal should not be dismissed as moot given that the case in controversy has concluded. Appellee may file a reply to appellant's response within 7 days of the filing of appellant's response.

Kennedy, French, and Fischer, JJ., dissent.

2019-1178. Bruns v. Green.

Franklin App. No. 18AP-259, 2019-Ohio-2296. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 1 of the court of appeals' August 21, 2019 entry: "Does the termination of a shared parenting plan and decree and subsequent modification of parental rights and responsibilities under R.C. 3109.04(E)(2) require first a finding of a change in circumstances under R.C. 3109.04(E)(1)(a)?" The conflict case is *Wright v. Wright*, 5th Dist. No. 2011CA00129, 2012-Ohio-1560.

Sua sponte, cause designated as a case involving termination of parental rights and ordered to be briefed pursuant to the Rules of Practice of the Supreme Court of Ohio governing termination of parental rights.

Sua sponte, cause consolidated with 2019-1028, *Bruns v. Green*, and briefing in case Nos. 2019-1178 and 2019-1028 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

O'Connor, C.J., not participating.

2019-1208. State v. Keefer.

Hocking App. No. 19CA2, 2019-Ohio-2419. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2018-0552, *State v. Dibble*, and briefing schedule stayed.

Kennedy and Fischer, JJ., would not hold the cause.

DeWine, J., dissents.

2019-1220. State ex rel. FirstEnergy Solutions Corp. v. Ohioans Against Corporate Bailouts.

Miscellaneous case. On relators' motion to expedite case schedule. Motion denied. The case shall proceed pursuant to S.Ct.Prac.R. 12.04.

French, Fischer, and DeWine, JJ., not participating.

APPEALS ACCEPTED FOR REVIEW

2019-1028. Bruns v. Green.

Franklin App. No. 18AP-259, 2019-Ohio-2296. Sua sponte, cause designated as a case involving termination of parental rights and ordered to be briefed pursuant to the Rules of Practice of the Supreme Court of Ohio governing termination of parental rights.

Sua sponte, cause consolidated with 2019-1178, *Bruns v. Green*, and briefing in case Nos. 2019-1028 and 2019-1178 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

Donnelly, J., dissents.

O'Connor, C.J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2019-1005. State v. Sweeting.

Hamilton App. No. C-180161, 2019-Ohio-2360.

French and Fischer, JJ., dissent.

DeWine, J., not participating.

2019-1072. State v. Graham.

Franklin App. No. 18AP-636, 2019-Ohio-2020.

Fischer and Stewart, JJ., dissent and would accept the appeal on proposition of law No. VI.