

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 6, 2019

[Cite as *11/06/2019 Case Announcements*, 2019-Ohio-4474.]

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## MERIT DECISIONS WITH OPINIONS

**2019-0220. Cincinnati Bar Assn. v. Begovic, Slip Opinion No. 2019-Ohio-4531.**

On Certified Report by the Board of Professional Conduct, No. 2018-023. Michael Joseph Begovic, Attorney Registration No. 0096103, last known address in Cincinnati, Ohio, suspended from the practice of law for one year with six months stayed on conditions.

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

Kennedy, J., concurs in part and dissents in part, with an opinion joined by DeWine, J.

**2019-0221. Columbus Bar Assn. v. Winkfield, Slip Opinion No. 2019-Ohio-4532.**

On Certified Report by the Board of Professional Conduct, No. 2018-016. Lawrence Edward Winkfield, Attorney Registration No. 0034254, last known address in Columbus, Ohio, indefinitely suspended from the practice of law.

French, DeWine, Donnelly, and Stewart, JJ., concur.

Kennedy, J., dissents, with an opinion.

Fischer, J., dissents, with an opinion joined by O'Connor, C.J.

## MERIT DECISIONS WITHOUT OPINIONS

### **2019-0499. State ex rel. Welty v. Walder.**

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Relators' motion to decide debatable constitutional question despite mootness denied. Cause dismissed.

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

### **2019-0834. State ex rel. Fraley v. Dept. of Rehab. & Corr.**

In Mandamus. On respondent's motion to dismiss. Motion denied. 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, DeWine, Donnelly, and Stewart, JJ., concur.

### **2019-0851. State ex rel. Barnes v. Eighth Dist. Court of Appeals.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Motion for leave to intervene of Mary Seawright denied as moot. Relator's motion for an order directing respondent to stay ruling in *State ex rel. Seawright v. Russo*, Eighth Dist. Cuyahoga No. CA 108484, denied as moot. Cause dismissed.

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

### **2019-0963. Bechtel v. Cornachio.**

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

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

### **2019-1129. State ex rel. Tchankpa v. Indus. Comm.**

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

**2019-1153. State ex rel. Lloyd v. Pokorny.**

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2019-1157. White v. Nelson.**

In Procedendo. On respondents' motion to dismiss. Motion granted. Respondents' motion to strike relator's motions in opposition to respondents' motion to dismiss granted. Relator's "motion for certified conflict case," "motion combined #4 relator opposition to respondent's motion to dismiss," and "motion #6 combined motion in opposition of motion to dismiss" denied. Cause dismissed.

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

French, J., not participating.

**2019-1161. Marcellino v. Stupica.**

In Prohibition. On S.Ct.Prac.R. 12.04 determination. Relator's motion for stay and expedited alternative writ denied. Cause dismissed.

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

**2019-1173. Moore v. Watkins.**

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.

**2019-1180. State ex rel. 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, DeWine, Donnelly, and Stewart, JJ., concur.

**2019-1183. State ex rel. 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, DeWine, Donnelly, and Stewart, JJ., concur.

**2019-1209. Supreme Court v. Licking Cty. Court.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2019-1253. Pianowski v. Bowerman.**

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner’s motion to amend petition for writ of habeas corpus denied as moot.

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

**2019-1265. State ex rel. Hill v. Fender.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**MOTION AND PROCEDURAL RULINGS**

**2019-0056. Brookpark v. Rodojev.**

Cuyahoga App. No. 106313, 2018-Ohio-5028. On appellant’s motion to order trial court to lift license block. Motion granted.

**2019-0897. State v. Rue.**

Trumbull App. No. 2018-T-0092, 2019-Ohio-1720. 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 4 of the court of appeals’ June 28, 2019 entry: “Does a trial court retain jurisdiction to determine if tolling based on absconding under R.C. 2929.15(A)(1) has occurred when community control revocation proceedings are

not initiated until after the specified community control term expires?” The conflict case is *State v. Meyer*, 9th Dist. Summit No. 26999, 2014-Ohio-3705.

Sua sponte, cause consolidated with 2019-1128, *State v. Rue*, and briefing in case Nos. 2019-0897 and 2019-1128 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.

DeWine, J., dissents.

**2019-0914. *State v. Pettus*.**

Hamilton App. No. C-170712, 2019-Ohio-2023. On appellant’s motion for stay of execution of judgment. Motion denied.

Donnelly, J., dissents and would grant the motion upon the posting of a \$1,000,000 bond.

**2019-0988. *V.R.T. v. Celebrezze*.**

Cuyahoga App. No. 108116, 2019-Ohio-2339. On appellant’s motion to recognize appellant’s merit brief as filed. Motion denied. Appellee’s motion to strike appellant’s “appeal of right” denied. Sua sponte, cause dismissed. Appellant’s request for oral argument denied as moot.

French, Donnelly, and Stewart, JJ., would grant the motion to recognize appellant’s merit brief as filed.

**2019-1268. *Medina Cty. Law Library Resources Bd. v. RELX, Inc.***

Medina App. No. 19CA0019-M. On appellant’s motion for stay of court of appeals’ judgment. Motion denied.

Kennedy and Fischer, JJ., dissent and would grant the motion upon the posting of a bond.

**APPEALS ACCEPTED FOR REVIEW**

**2019-1128. *State v. Rue*.**

Trumbull App. No. 2018-T-0092, 2019-Ohio-1720. Sua sponte, cause consolidated with 2019-0897, *State v. Rue*, and briefing in case Nos. 2019-0897 and 2019-1128 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.

**2019-1197. Meadows v. Jackson Ridge Rehab. & Care.**

Stark App. No. 2018 CA 00184, 2019-Ohio-2879. Appeal accepted on proposition of law No. I.

Stewart and Donnelly, JJ., would accept the appeal on both propositions of law.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2019-0871. State v. Waters.**

Lucas App. No. L-17-1241, 2019-Ohio-1813.

Donnelly, J., dissents.

**2019-1067. State v. Holmes.**

Allen App. No. 1-18-52, 2019-Ohio-2485.

**2019-1109. Fireman's Fund Ins. Co. v. Hyster-Yale Group, Inc.**

Cuyahoga App. No. 106937, 2019-Ohio-1522.

French and Fischer, JJ., dissent and would accept the appeal on proposition of law No. I.

Stewart, J., not participating.