

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 14, 2020

[Cite as *04/14/2020 Case Announcements*, 2020-Ohio-1393.]

MERIT DECISIONS WITHOUT OPINIONS

2020-0280. *Hooks v. State.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-0318. *Davis v. Warden.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-0414. *State ex rel. Padilla-Marquez v. Jones.*

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

2020-0224. *State v. Rosemond.*

Hamilton App. No. C-180221, 2019-Ohio-5356. 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.

2020-0246. State v. Toda.

Lucas App. No. L-18-1149, 2019-Ohio-4903. 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 and French, JJ., dissent.

2020-0260. State v. Kirkendoll.

Lorain App. No. 19CA011465, 2019-Ohio-5019. On motion for leave to file delayed appeal. Motion denied. Appellant's motion to certify conflict and dismiss charges denied.

Fischer, Donnelly, and Stewart, JJ., dissent and would grant the motion for delayed appeal.

2020-0261. State v. Wickham.

Ashland App. No. 19-COA-013, 2019-Ohio-4850. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

2020-0262. State v. Reese.

Cuyahoga App. No. 107714, 2019-Ohio-4670. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, French, and DeWine, JJ., dissent.

2020-0263. State v. Black.

Cuyahoga App. No. 108001, 2019-Ohio-4977. 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 and French, JJ., dissent.

2020-0272. State v. Clark.

Muskingum App. No. CT2018-0006, 2018-Ohio-4789. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0275. State v. Redic.

Greene App. No. 2019-CA-1, 2019-Ohio-3395. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0288. State v. Vasquez.

Summit App. No. 29422, 2019-Ohio-5406. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, French, and DeWine, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2020-0143. State v. Azeen.

Cuyahoga App. No. 108072, 2019-Ohio-4677.

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

Donnelly, J., not participating.

2020-0182. Electronic Classroom of Tomorrow v. Ohio State Bd. of Edn.

Franklin App. No. 17AP-767, 2019-Ohio-1540. Appeal accepted on proposition of law No. I.

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

O'Connor, C.J., dissents.

French, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2019-1479. State v. Ford.

Stark App. No. 19-CA-0028.

2019-1495. State v. Williams.

Lucas App. No. L-19-1174.

Donnelly, J., dissents and would appoint counsel.

2019-1631. State v. Williams.

Montgomery App. No. 27919, 2019-Ohio-4105.

2019-1650. State v. Franklin.

Cuyahoga App. No. 107454, 2019-Ohio-3759.

2019-1763. State v. Peyatt.

Monroe App. No. 18 MO 0006, 2019-Ohio-3585.

2019-1777. Hicks v. Cadle Co.

Trumbull App. Nos. 2018-T-0048 and 2019-T-0023, 2019-Ohio-5049.

2020-0087. State v. Jackson.

Franklin App. No. 18AP-758, 2019-Ohio-4995.

Fischer, J., dissents and would accept the appeal on proposition of law No. IV.
Donnelly, J., dissents.

2020-0116. Haueisen v. Worthington.

Franklin App. No. 19AP-253, 2019-Ohio-5085.

French, J., not participating.

2020-0124. Shaffer v. A.W. Chesterton Co.

Lorain App. No. 18CA01144, 2019-Ohio-5022.

2020-0130. Karnofel v. Superior Waterproofing, Inc.

Trumbull App. No. 2018-T-0055, 2019-Ohio-1409.

2020-0137. Kostoglou v. Fortuna.

Cuyahoga App. No. 107937.

2020-0139. State v. Hawkins.

Cuyahoga App. No. 107821, 2019-Ohio-5133.

2020-0142. Burris v. Zurich.

Ross App. No. 19 CA 3676.

2020-0144. State v. A.H.

Cuyahoga App. No. 108205, 2019-Ohio-5120.

Donnelly, J., dissents.

2020-0149. Deutsche Bank Natl. Trust Co. v. Omar.

Summit App. No. 29300, 2019-Ohio-5224.

2020-0156. State v. Banks.

Franklin App. No. 18AP-808, 2019-Ohio-5440.

Kennedy and French, JJ., dissent.

2020-0158. State v. Weathersbee.

Trumbull App. No. 2018-T-0099, 2019-Ohio-5307.

2020-0159. O'Donnell v. Indian Lake Local School Dist. Bd. of Edn.

Logan App. No. 8-18-48, 2019-Ohio-4521.

2020-0160. Reinhaus v. Cincinnati Zoning Bd. of Appeals.

Hamilton App. No. C-180616.

2020-0169. Gregory v. Gregory.

Hamilton App. No. C-180444, 2019-Ohio-5210.

Donnelly and Stewart, JJ., dissent.

2020-0170. PHH Mtge. Corp. v. Barker.

Van Wert App. No. 15-19-01, 2019-Ohio-5301.

2020-0171. State v. Deloney.

Hamilton App. No. C-190372, 2019-Ohio-5213.

Fischer and DeWine, JJ., not participating.

2020-0177. Bentley v. Harper.

Scioto App. No. 18CA3858, 2019-Ohio-5420.

French, J., dissents.

2020-0181. Henderson v. SMC Prods., Inc.

Erie App. Nos. E-12-0068, E-13-0047, and E-18-003, 2019-Ohio-5275.

2020-0184. Helton v. Fifth Third Bank.

Hamilton App. No. C-180284, 2019-Ohio-5208.

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

Fischer, J., not participating.

2020-0185. Cleveland v. Brown.

Cuyahoga App. Nos. 107939 and 108145, 2019-Ohio-5254.

Donnelly, J., dissents.

2020-0186. State v. Warren.

Montgomery App. No. 28092, 2019-Ohio-3522.

Fischer and Donnelly, JJ., dissent.

2020-0190. State v. Axson.

Cuyahoga App. No. 108246, 2019-Ohio-5240.

2020-0193. State v. Redding.

Union App. No. 14-19-01, 2019-Ohio-5302.

2020-0195. State v. Kamara.

Union App. No. 14-18-26, 2019-Ohio-5385.

2020-0196. Gilbert v. Midland Funding, L.L.C.

Hancock App. No. 5-19-11, 2019-Ohio-5295.

Donnelly, J., dissents.

2020-0202. State v. Garcia-Toro.

Cuyahoga App. No. CA 107940, 2019-Ohio-5336.

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

2020-0208. State v. Patterson.

Stark App. No. 2019CA0110, 2019-Ohio-5173.

2020-0213. State v. Burgett.

Hamilton App. No. C-180029, 2019-Ohio-5348.

Fischer and Donnelly, JJ., dissent.

2020-0214. State v. Anthony.

Lake App. No. 2019-L-045, 2019-Ohio-5410.

2020-0249. State v. Wiley.

Franklin App. No. 10AP-679, 2011-Ohio-3595.

French, J., not participating.

2020-0266. State v. Hill.

Cuyahoga App. No. 108250, 2020-Ohio-102.

Donnelly, J., dissents.

2020-0291. State v. Copeland.

Cuyahoga App. No. 106988, 2020-Ohio-97.

2020-0292. State ex rel. DeWine v. Tristate Auto Group, L.L.C.

Belmont App. No. 19 BE 0053.

RECONSIDERATION OF PRIOR DECISIONS

2018-0552. State v. Dibble.

Franklin App. No. 16AP-629, 2017-Ohio-9321. Reported at __ Ohio St.3d __, 2020-Ohio-546, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

Michael Tucker, J., of the Second District Court of Appeals, sitting for French, J.

2018-0882. Rockies Express Pipeline, L.L.C. v. Testa.

Board of Tax Appeals, No. 2016-1144. Reported at __ Ohio St.3d __, 2020-Ohio-410, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

2019-0752. State ex rel. Kerr v. Pollex.

Wood App. No. WD-19-005, 2019-Ohio-1725. Reported at __ Ohio St.3d __, 2020-Ohio-411, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0782. Davis v. Sheldon.

Richland App. No. 19CA47. Reported at __ Ohio St.3d __, 2020-Ohio-436, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0888. State ex rel. Kerr v. Collier.

Henry App. No. 7-19-05. Reported at __ Ohio St.3d __, 2020-Ohio-457, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-1354. Ohio Terminal Ry. Co. v. Hannibal Dev., L.L.C.

Monroe App. No. 19 MO 0015. Reported at 157 Ohio St.3d 1562, 2020-Ohio-313, 138 N.E.3d 1154. On motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.

2019-1515. Miller v. Mellott.

Monroe App. No. 18 MO 0004, 2020-Ohio-237. Reported at 157 Ohio St.3d 1562, 2020-Ohio-313, 138 N.E.3d 1163. On motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.

DeWine, J., dissents and would grant the motion as to proposition of law No. IV.

2019-1558. State v. Berry.

Franklin App. No. 18AP-9, 2019-Ohio-3902. Reported at 157 Ohio St.3d 1563, 2020-Ohio-313, 138 N.E.3d 1160. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

French, J., not participating.

2019-1564. Meyers v. Hadsell Chem. Processing, L.L.C.

Franklin App. No. 18AP-387, 2019-Ohio-2982. Reported at 157 Ohio St.3d 1564, 2020-Ohio-313, 138 N.E.3d 1161. On motion for reconsideration. Motion denied.

DeWine, J., dissents.

2019-1573. Arnold v. O'Malley.

Franklin App. No. 19AP-658. Reported at 157 Ohio St.3d 1564, 2020-Ohio-313, 138 N.E.3d 1162. On motion for reconsideration. Motion denied.

2019-1582. C.S.J. v. S.E.J.

Cuyahoga App. No. 107401, 2019-Ohio-3273. Reported at 157 Ohio St.3d 1564, 2020-Ohio-313, 138 N.E.3d 1164. On motion for reconsideration. Motion denied.

2019-1620. Watkins v. Mgt. & Training Corp.

Marion App. No. 9-19-38. Reported at 157 Ohio St.3d 1565, 2020-Ohio-313, 138 N.E.3d 1169. On motion for reconsideration. Motion denied.

French, J., dissents and would grant the motion as to proposition of law No. I and would appoint pro bono counsel for appellant.

DeWine, J., dissents and would grant the motion as to proposition of law No. I.
Donnelly, J., dissents.

2019-1673. State ex rel. Davis v. Bur. of Sentence Computation & Mgt.

Franklin App. No. 18AP-957, 2019-Ohio-4571. Reported at 158 Ohio St.3d 1402, 2020-Ohio-373, 139 N.E.3d 904. On motion for reconsideration. Motion denied.

French and Donnelly, JJ., dissent.

2019-1751. In re E.B.

Hamilton App. No. C-190050, 2019-Ohio-3943. Reported at 158 Ohio St.3d 1411, 2020-Ohio-518, 139 N.E.3d 930. On motion for reconsideration. Motion denied.

Donnelly, J., dissents and would grant the motion as to proposition of law No. III.