

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 12, 2020

[Cite as 05/12/2020 Case Announcements, 2020-Ohio-2819.]

MERIT DECISIONS WITHOUT OPINIONS

2020-0140. State ex rel. Norris v. Wainwright.

In Habeas Corpus. On respondent's motion to dismiss. Motion granted. Petitioner's motion for discovery and respondent's motion to stay discovery denied as moot.

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

Kennedy, DeWine, and Stewart, JJ., would deny petitioner's motion on the merits.

2020-0385. Hudson v. Bowerman.

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

2020-0359. State v. Reed.

Erie App. Nos. E-18-017 and E-18-018, 2020-Ohio-138. 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.

2020-0376. State v. Stoutamire.

Trumbull App. No. 2019-T-0033, 2019-Ohio-4737. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Donnelly, and Stewart, JJ., dissent.

2020-0384. State v. Doak.

Portage App. No. 2018-P-0022, 2020-Ohio-66. 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, J., dissent.

2020-0387. State v. Wright.

Franklin App. No. 18AP-770, 2019-Ohio-5201. 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 DeWine, J., dissent.

2020-0393. State v. Murray.

Mahoning App. No. 18 MA 0031, 2019-Ohio-5459. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine, J., dissents.

2020-0398. State v. Kirk.

Cuyahoga App. No. 108136, 2019-Ohio-4890. 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 DeWine, JJ., dissent.

2020-0419. State v. Gross.

Coshocton App. No. 2019CA0010, 2019-Ohio-5304. On motion for leave to file delayed appeal. Motion denied.

Fischer, Donnelly, and Stewart, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2020-0290. State v. Tidwell.

Hamilton App. Nos. C-180511 and C-180512, 2019-Ohio-4493.

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

2020-0306. Motorists Mut. Ins. Co. v. Ironics, Inc.

Wood App. No. WD-19-018, 2020-Ohio-137.

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

APPEALS NOT ACCEPTED FOR REVIEW

2019-1790. State v. Greiner.

Muskingum App. No. CT2019-0003, 2019-Ohio-3624.

2020-0044. Lindsey v. Lindsey.

Geauga App. Nos. 2019-G-0201 and 2019-G-0208.

2020-0080. State v. Coley.

Lucas App. No. L-19-1004, 2019-Ohio-5143.

2020-0265. State v. Bowen.

Holmes App. No. 19 AP 0007.

2020-0268. State v. Zimmerman.

Franklin App. No. 18AP-75, 2019-Ohio-721.

DeWine and Stewart, JJ., dissent.

French, J., not participating.

2020-0270. Cutlip v. Akron.

Summit App. Nos. 29319, 2020-Ohio-20.

Kennedy, J., dissents.

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

2020-0271. Jones v. Thomas.

Franklin App. No. 19AP-401, 2019-Ohio-5000.

2020-0276. McCoy v. McCoy.

Guernsey App. No. 19CA000005.

2020-0278. Kim v. Kim.

Summit App. Nos. 28684 and 29144, 2020-Ohio-22.

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

2020-0284. State v. Chinn.

Montgomery App. No. 28345, 2020-Ohio-43.

2020-0287. State v. Whitten.

Lucas App. No. L-18-1053, 2019-Ohio-4199.

Kennedy, J., dissents.

DeWine, J., dissents and would remand the cause for application of *State v. Dangler*, __ Ohio St.3d __, 2020-Ohio-2765, __ N.E.3d __.

2020-0289. State v. Barlow.

Scioto App. No. 16CA3772, 2019-Ohio-4384.

Donnelly, J., dissents and would appoint counsel.

2020-0295. State v. Jaeger.

Medina App. No. 17CA0072-M, 2018-Ohio-2994.

2020-0299. Farmers State Bank v. Sponaugle.

Darke App. No. 19CA00011.

2020-0300. Concrete, Inc. v. Willowick.

Lake App. No. 2019-L-091, 2020-Ohio-71.

2020-0301. State v. Iden.

Muskingum App. No. CT-2019-0004.

Donnelly, J., dissents.

2020-0302. Bridgestone Ams. Tire Operations, L.L.C. v. Harris.

Stark App. No. 2019CA00098, 2020-Ohio-76.

2020-0305. GMS Mgt. Co., Inc. v. Hall.

Summit App. No. 29567.

2020-0308. State v. Berry.

Franklin App. No. 20AP-37.

2020-0310. State v. Cagle.

Medina App. No. 19CA0058, 2020-Ohio-316.

2020-0313. J.M. v. D.H.

Cuyahoga App. No. 108303, 2020-Ohio-108.

2020-0335. State v. Payne.

Lake App. No. 2019-L-032, 2020-Ohio-161.
Fischer, J., dissents.

2020-0357. State v. Vaughn.

Montgomery App. No. 28409, 2020-Ohio-307.

2020-0378. State v. Thomas.

Lucas App. No. L-17-1266, 2019-Ohio-1916. Appellant's motion for stay denied.

2020-0379. State v. Montgomery.

Stark App. No. 2019CA0012, 2019-Ohio-5178.
Donnelly, J., dissents.

2020-0406. State v. Debardeleben.

Cuyahoga App. No. 108277, 2020-Ohio-661.
Donnelly, J., dissents.

2020-0408. Soltesz v. Dept. of Job & Family Servs.

Franklin App. No. 19AP-444, 2020-Ohio-365.
French, J., not participating.

2020-0424. Salameh v. Doumet.

Delaware App. No. 19 CAF 01 0009, 2019-Ohio-5391.
French and Fischer, JJ., dissent.

2020-0429. State v. Taylor.

Franklin App. No. 19AP-200.
French, J., not participating.

2020-0437. State v. S.E.

Franklin App. No. 19AP-234.
French, J., not participating.

2020-0447. State v. McDaniel.

Cuyahoga App. No. 108282, 2020-Ohio-489.

RECONSIDERATION OF PRIOR DECISIONS

2019-0078. State v. Nettles.

Sandusky App. No. S-17-053, 2018-Ohio-4908. Reported at __ Ohio St.3d __, 2020-Ohio-768, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0903. State ex rel. Martin v. Russo.

Cuyahoga App. No. 108231, 2019-Ohio-2242. Reported at __ Ohio St.3d __, 2020-Ohio-829, __ N.E.3d __. On motion for reconsideration. Motion denied.

Stewart, J., not participating.

2019-1317. Univ. Hts. v. Allen.

Cuyahoga App. No. 107211, 2019-Ohio-2908. Reported at 158 Ohio St.3d 1421, 2020-Ohio-647, 140 N.E.3d 740. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

2019-1576. Warner v. Palmer.

Belmont App. No. 18 BE 0012, 2019-Ohio-4078. Reported at 158 Ohio St.3d 1422, 2020-Ohio-647, 140 N.E.3d 740. On motion for reconsideration. Motion denied.

Kennedy and Stewart, JJ., dissent.

DeWine, J., dissents and would hold the cause for the decision in 2019-1494, *West v. Bode*.

2019-1732. State v. Wiesenborn.

Montgomery App. No. 28224, 2019-Ohio-4487. Reported at 158 Ohio St.3d 1430, 2020-Ohio-748, 141 N.E.3d 237. On motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1754. State v. Davis.

Allen App. Nos. 01-17-44 and 01-17-45. Reported at 158 Ohio St.3d 1423, 2020-Ohio-647, 140 N.E.3d 743. On motion for reconsideration. Motion denied.

2019-1768. State v. Gales.

Summit App. No. 29316. Reported at 158 Ohio St.3d 1423, 2020-Ohio-647, 140 N.E.3d 745. On motion for reconsideration. Motion denied.

2019-1813. State v. Smith.

Cuyahoga App. No. 107899, 2019-Ohio-4671. Reported at 158 Ohio St.3d 1435, 2020-Ohio-877, 141 N.E.3d 246. On motion for reconsideration. Motion granted.

The case shall proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

Kennedy, Fischer, and DeWine, JJ., dissent.

2020-0019. State v. Houston.

Cuyahoga App. No. 108156, 2019-Ohio-4787. Reported at 158 Ohio St.3d 1436, 2020-Ohio-877, 141 N.E.3d 249. On motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

2020-0052. State v. Elkins.

Franklin App. No. 19AP-728. Reported at 158 Ohio St.3d 1424, 2020-Ohio-647, 140 N.E.3d 755. On motion for reconsideration. Motion denied.

2020-0055. State v. Brown.

Stark App. No. 2018CA00107, 2019-Ohio-2187. Reported at 158 Ohio St.3d 1421, 2020-Ohio-647, 140 N.E.3d 738. On motion for reconsideration. Motion denied.

2020-0138. Simbo Properties, Inc. v. M8 Realty, L.L.C.

Cuyahoga App. No. 107161, 2019-Ohio-4361. Reported at 158 Ohio St.3d 1437, 2020-Ohio-877, 141 N.E.3d 255. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.