

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 15, 2020

[Cite as *12/15/2020 Case Announcements*, 2020-Ohio-5634.]

MERIT DECISIONS WITHOUT OPINIONS

2020-1290. *Carlton v. Robinson.*

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner’s “motion for leave to amend writ of habeas corpus” denied as moot. Petitioner’s motion for summary judgment denied.

O’Connor, C.J., and Kennedy and DeWine, JJ., concur.

Donnelly and Stewart, JJ., concur but would deny the motion for summary judgment as moot.

French and Fischer, JJ., not participating.

2020-1306. *State ex rel. Lindsay v. Turner.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

French, J., not participating.

MOTION AND PROCEDURAL RULINGS

2020-1293. *State v. Mitchell.*

Portage App. No. 94-P-0070. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2020-0721. State v. Wilson.

Hamilton App. No. C-190281, 2020-Ohio-1584.

2020-1063. Carr v. Durrani.

Hamilton App. No. C-180458, 2020-Ohio-3787. Appeal accepted and cross-appeal not accepted. Sua sponte, cause held for the decision in 2019-1560, *Wilson v. Durrani*.

Donnelly and Stewart, JJ., would also accept the cross-appeal.

W. Scott Gwin, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeWine, J.

2020-1064. Schuster v. Durrani.

Hamilton App. No. C-180687, 2020-Ohio-3789. Appeal accepted and cross-appeal not accepted. Sua sponte, cause held for the decision in 2019-1560, *Wilson v. Durrani*.

Donnelly and Stewart, JJ., would also accept the cross-appeal.

W. Scott Gwin, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeWine, J.

2020-1065. Deck v. Durrani.

Hamilton App. No. C-180685, 2020-Ohio-3790. Appeal accepted and cross-appeal not accepted. Sua sponte, cause held for the decision in 2019-1560, *Wilson v. Durrani*.

Donnelly and Stewart, JJ., would also accept the cross-appeal.

W. Scott Gwin, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeWine, J.

2020-1093. Siltstone Servs., L.L.C. v. Guernsey Cty. Community Dev. Corp.

Guernsey App. No. 19CA000047, 2020-Ohio-3877. Sua sponte, cause held for the decision in 2020-0031, *Siltstone Resources, L.L.C. v. Ohio Pub. Works Comm.*

O'Connor, C.J., would not accept the appeal on proposition of law No. III of appellant Guernsey County Community Development Corporation.

Kennedy, J., would not hold the cause.

Fischer, J., dissents.

French, J., not participating.

2020-1126. State v. Burns.

Cuyahoga App. No. 108468, 2020-Ohio-3966. Accepted on proposition of law No. II.

O'Connor, C.J., would accept the appeal on both propositions of law and would hold the cause for the decision in 2019-1813, *State v. Smith*.

Fischer and DeWine, JJ., would hold the cause for the decision in 2019-1813, *State v. Smith*.

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

Kennedy and Donnelly, JJ., dissent.

2020-1134. Acuity v. Masters Pharmaceutical, Inc.

Hamilton App. No. C-190176, 2020-Ohio-3440.

Donnelly and Stewart, JJ., dissent.

2020-1158. Sinley v. Safety Controls Technology, Inc.

Cuyahoga App. No. 109065, 2020-Ohio-4068.

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

2020-1163. In re Adoption of A.K.

Cuyahoga App. Nos. 108521 and 108522, 2020-Ohio-3279.

Kennedy, DeWine, and Donnelly, JJ., dissent.

2020-1187. State v. Campbell.

Fairfield App. No. 2019 CA 00055, 2020-Ohio-4119.

O'Connor, C.J., would accept the appeal on proposition of law Nos. I and III only.

Stewart, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2020-0926. State v. Hair.

Greene App. No. 19-CA-73, 2020-Ohio-3128.

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

2020-0990. State v. Stafford.

Ashland App. No. 18-COA-036, 2020-Ohio-3993.

2020-1035. In re B.D.

Hamilton App. No. C-200177, 2020-Ohio-4128.
French, Donnelly, and Stewart, JJ., dissent.

2020-1109. Woodside Mgt. Co. v. Bruex.

Summit App. No. 29179, 2020-Ohio-4039.
Fischer, J., dissents.
DeWine, J., dissents and would accept the appeal on proposition of law No. I.

2020-1112. State v. Mitchell.

Portage App. No. 2019-P-0105, 2020-Ohio-3417.

2020-1113. State v. Kirby.

Butler App. No. 2019-05-078, 2020-Ohio-4005.

2020-1118. Russell v. Warden.

Warren App. No. CA2020-20-010.
French, J., not participating.

2020-1122. State v. Zimmerer.

Butler App. No. CA2019-10-176, 2020-Ohio-3921.
Kennedy, J., dissents.

2020-1128. E. Cleveland IAFF 500 v. E. Cleveland.

Cuyahoga App. No. 108982, 2020-Ohio-4295.

2020-1133. Georgantonis v. Reading.

Hamilton App. No. C-190615, 2020-Ohio-3961.

2020-1136. John D. Smith Co., L.P.A. v. Lipsky.

Greene App. No. 2019-CA-65, 2020-Ohio-3985.
Kennedy, J., not participating.

2020-1144. Hillman v. Larrison.

Franklin App. No. 18AP-896, 2019-Ohio-2537.

2020-1148. In re Guardianship of Calvey.

Cuyahoga App. No. 109289, 2020-Ohio-4221.

2020-1150. State v. Nevels.

Cuyahoga App. No. 108395, 2020-Ohio-915.

2020-1154. Forbes v. Nationwide Mut. Ins. Co.

Franklin App. No. 19AP-220, 2020-Ohio-2802.

2020-1157. Wilson v. Muskingum Cty. Sheriff's Dept.

Muskingum App. No. CT2020-0036.

2020-1161. Hoke v. Miami Valley Hosp.

Montgomery App. No. 28462, 2020-Ohio-3387.

2020-1162. State v. Rogers.

Butler App. No. CA2019-11-194, 2020-Ohio-4102.

2020-1169. In re Deters.

Hamilton App. No. C-190516, 2020-Ohio-3518.

Fischer and DeWine, JJ., not participating.

2020-1171. State v. Beasley.

Monroe App. No. 19 MO 0004, 2020-Ohio-4142.

2020-1173. State v. Long.

Wood App. Nos. WD-19-021 and WD-19-022, 2020-Ohio-4090.

2020-1174. Tuttle v. Collins.

Cuyahoga App. No. 108909, 2020-Ohio-4062.

Stewart and Donnelly, JJ., not participating.

2020-1181. Olenchick v. Scramling.

Lake App. No. 2020-L-014, 2020-Ohio-4110.

2020-1188. State v. Breneman.

Champaign App. No. 2019-CA-23, 2020-Ohio-4151.

2020-1191. Branden v. Branden.

Cuyahoga App. No. 108802, 2020-Ohio-4134.

Kennedy, J., dissents.

Stewart, J., not participating

2020-1192. Estate of Armatas v. Cleveland Clinic Found.

Stark App. No. 2019CA00186, 2020-Ohio-3338.

2020-1197. State v. Williams.

Columbiana App. No. 19 CO 0010, 2020-Ohio-5045.

2020-1198. Benton Twp. v. Rocky Ridge Dev., L.L.C.

Ottawa App. No. OT-19-010, 2020-Ohio-4162.

Kennedy, J., dissents.

French, J., dissents and would accept the appeal on proposition of law Nos. I and II.

2020-1200. State v. Mitchell.

Cuyahoga App. No. 108691, 2020-Ohio-4132.

2020-1203. State ex rel. Ewart v. State Teachers Retirement Sys. Bd. of Ohio.

Franklin App. No. 20AP-21, 2020-Ohio-4147.

2020-1207. State v. Schulman.

Franklin App. No. 19AP-566, 2020-Ohio-4146.

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

Stewart, J., dissents.

2020-1209. State v. Palmer-Tesema.

Cuyahoga App. No. 107972, 2020-Ohio-907.

Donnelly and Stewart, JJ., not participating.

2020-1211. State v. Turney.

Montgomery App. No. 28364, 2020-Ohio-4148.

Fischer and Donnelly, JJ., dissent.

2020-1214. Jochum v. Mentor.

Lake App. No. 2020-L-032, 2020-Ohio-4191.

2020-1215. State v. Bartholomew.

Pickaway App. No. 19CA29, 2020-Ohio-4611.

Kennedy, J., dissents.

2020-1221. State v. Hollins.

Cuyahoga App. No. 107642, 2020-Ohio-4290.

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

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

2020-1246. State v. Butcher.

Portage App. No. 2016-P-0062, 2018-Ohio-4943.

2020-1251. JPMorgan Chase Bank, N.A. v. Elsass.

Franklin App. No. 19AP-652.

2020-1262. State v. Lusane.

Portage App. No. 2019-P-0115, 2020-Ohio-4106.

2020-1272. State v. Toy.

Lorain App. No. 19CA011476, 2020-Ohio-4619. Appellant's motion for expert assistance and counsel denied.

2020-1273. State v. Henize.

Franklin App. No. 19AP-89, 2020-Ohio-5202.

2020-1302. State v. Shine-Johnson.

Franklin App. No. 19AP-701, 2020-Ohio-4711.

RECONSIDERATION OF PRIOR DECISIONS

2019-1430. State v. Dowdy.

Cuyahoga App. No. 107844, 2019-Ohio-3570. Reported at __ Ohio St.3d __, 2020-Ohio-4789, __ N.E.3d __. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

2020-0756. Ohio Dept. of Medicaid v. French.

Darke App. No. 2019-CA-4, 2020-Ohio-2744. Reported at 160 Ohio St.3d 1407, 2020-Ohio-4574, 153 N.E.3d 106. On motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.

2020-0880. State v. Andrews.

Cuyahoga App. No. 108285, 2020-Ohio-3176. Reported at 160 Ohio St.3d 1409, 2020-Ohio-4574, 153 N.E.3d 115. On motion for reconsideration. Motion denied.
French, Donnelly, and Stewart, JJ., dissent.

2020-0889. State v. Armengau.

Franklin App. No. 18AP-300. Reported at 160 Ohio St.3d 1419, 2020-Ohio-4811, 154 N.E.3d 101. On motion for reconsideration. Motion denied.
French, J., not participating.

2020-0907. Rummelhoff v. Rummelhoff.

Hamilton App. No. C-190355, 2020-Ohio-2928. Reported at 160 Ohio St.3d 1419, 2020-Ohio-4811, 154 N.E.3d 103. On motion for reconsideration. Motion denied.

2020-0911. Lloyd v. Burlington Coat Factory Warehouse Corp.

Summit App. No. 28908, 2019-Ohio-4883. Reported at 160 Ohio St.3d 1420, 2020-Ohio-4811, 154 N.E.3d 103. On motion for reconsideration. Motion denied.

2020-0928. State v. Horn.

Wood App. No. 2016WD0053, 2020-Ohio-3546. Reported at 160 Ohio St.3d 1420, 2020-Ohio-4811, 154 N.E.3d 105. On motion for reconsideration. Motion denied.
French and Donnelly, JJ., dissent.

2020-0932. Wells Fargo Bank, N.A. v. Lundeen.

Cuyahoga App. No. 107184, 2020-Ohio-28. Reported at 160 Ohio St.3d 1420, 2020-Ohio-4811, 154 N.E.3d 105. On motion for reconsideration. Motion denied.