

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 25, 2014

[Cite as *06/25/2014 Case Announcements*, 2014-Ohio-2725.]

MERIT DECISIONS WITHOUT OPINIONS

2013-2027. Thomas v. Neal.

In Habeas Corpus. On petition for writ of habeas corpus of James Thomas. Sua sponte, cause dismissed. On motion for a ruling. Motion denied as moot.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0063. Foy v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Raymond Foy. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0210. Weatherford v. LaRose.

In Habeas Corpus. On petition for writ of habeas corpus of Charles Ray Weatherford Jr. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0240. DeNoma v. Kasich.

In Habeas Corpus. On petition for writ of habeas corpus of Anthony DeNoma. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0300. Pegg v. Mausser.

In Habeas Corpus. On petition for writ of habeas corpus of Maurice Pegg. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0306. Culberson v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Katrina Culberson. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0326. State ex rel. Arnold v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of David Arnold. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0388. Zeune v. Pineda.

In Habeas Corpus. On petition for writ of habeas corpus of Rodney D. Zeune. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and O'Neill, JJ., concur.

French, J., not participating.

2014-0416. State ex rel. Irbey v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Chad Irbey Sr. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0429. Chappell v. Morgan.

In Habeas Corpus. On petition for writ of habeas corpus of Ronald Chappell. Sua sponte, cause dismissed. On petitioner's motion to amend petition for writ of habeas corpus and motion to expedite decision. Motions denied.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0553. State ex rel. Shue v. Croft.

In Mandamus. On motion to dismiss. Alternative writ granted. The following briefing schedule is set for 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 of the date of this entry; relator shall file a brief within ten days of 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 seven days after the filing of respondent's brief.

Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.
O'Connor, C.J., dissents and would grant the motion to dismiss.

2014-0557. State ex rel. Evans v. Ohio Dept. of Rehab. & Corr.

In Mandamus. Upon consideration of respondent's answer and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Relator's motion for order deeming legal conclusions to be admitted or for partial default is denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0565. State ex rel. Britford v. Tyack.

In Procedendo. On motions to dismiss. Motions granted. On motion to amend complaint. Motion denied as moot. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0580. State ex rel. Wright v. Whitmore.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0582. State ex rel. Harris v. DeWeese.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0619. State ex rel. Evans v. Supreme Court of Ohio.

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and O'Neill, JJ., concur.

French, J., not participating.

2014-0633. State v. Steinfurth.

In Habeas Corpus. On petition for writ of habeas corpus of Angela Steinfurth. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0641. Rucker-El v. Clipper.

In Habeas Corpus. On petition for writ of habeas corpus of Ricardo Rucker-El. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0659. State ex rel. Rarden v. Hedric.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2013-0579. In re D.M.

Hamilton App. No. C-120794, 2013-Ohio-668. On motions to supplement the record. Motions denied.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2013-1169. State ex rel. Simpson v. State Teachers Retirement Bd.

In Mandamus. On motion for oral argument. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2014-0162. State ex rel. Berry v. Pfeiffer.

In Mandamus. On motion requesting findings of facts and conclusion. Motion denied.

2014-0674. State v. Anderson.

Summit App. No. 26640, 2014-Ohio-1206. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' entry filed April 23, 2014: "If a defendant is sentenced to prison for a term of incarceration, does the trial court

have the authority to issue against the defendant, a ‘no contact’ order with the victim?”

Pfeifer and O’Donnell, JJ., dissent.

The conflict cases are *State v. Rogers*, 8th Dist. Cuyahoga Nos. 97093 and 97094, 2012-Ohio-2496, and *State v. Holly*, 8th Dist. Cuyahoga No. 95454, 2011-Ohio-2284.

2014-0688. Morris v. Morris.

Greene App. No. 2013-CA-29, 2014-Ohio-734. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals’ entry filed April 3, 2014: “Does a trial court have jurisdiction under Civ.R. 60(B) to vacate or modify an award of spousal support in a decree of divorce or dissolution where the decree does not contain a reservation of jurisdiction to modify the award of spousal support pursuant to R.C. 3105.18(E)?”

O’Donnell, J., dissents.

French, J., not participating.

The conflict case is *Noble v. Noble*, 10th Dist. Franklin No. 07AP-1045, 2008-Ohio-4685.

2014-0706. State v. Johnson.

Cuyahoga App. No. 99822. 2014-Ohio-494. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2014-0757. State v. Mangan.

Greene App. No. 2013-CA-3, 2014-Ohio-960. On motion for delayed appeal. Motion granted.

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

2014-0759. State v. Carrington.

Cuyahoga App. No. 97769, 2012-Ohio-4717. On motion for delayed appeal. Motion denied.

2014-0770. State v. Williams.

Cuyahoga App. No. 98778, 2013-Ohio-1988. On motion for delayed appeal. Motion denied.

2014-0774. State v. Najeeb.

Cuyahoga App. No. 100932. On motion for delayed appeal. Motion denied.
Lanzinger, J., dissents.

2014-0799. In re Complaint of Corrigan v. Cleveland Elec. Illum. Co.

Public Utilities Commission, No. 09-492-EL-CSS. On emergency motion for stay. Motion denied for failure to comply with the notice and bond requirements set forth in R.C. 4903.16.

Pfeifer and O'Neill, JJ., dissent.

O'Donnell, J., dissents and would grant the motion upon posting of bond.

2014-0818. State v. Werber.

Cuyahoga App. No. 100290, 2014-Ohio-609. On motion for stay of court of appeals' judgment. Motion denied.

2014-0834. State v. Villavicencio.

Cuyahoga App. No. 100367. On motion for stay of court of appeals' judgment. Motion denied.

O'Neill, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2014-0319. State ex rel. Ohio Civ. Serv. Emps. Assn. v. State.

Franklin App. No. 12AP-1064, 2013-Ohio-4505. Discretionary appeal, second appeal, and cross-appeal accepted.

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

Lanzinger, J., dissents as to the cross-appeal.

2014-0530. Johnston v. State.

Franklin App. No. 12AP-1022, 2014-Ohio-1452.

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

2014-0607. In re D.S.

Licking App. No. 13-CA-58, 2014-Ohio-867.

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

Lanzinger, J., concurs but would hold Proposition of Law No. I for the decision in 2012-2122, *In re I.A.*, 2d Dist. Montgomery No. 25078, 2012-Ohio-4973.

APPEALS NOT ACCEPTED FOR REVIEW

2014-0255. State v. Shorter.

Mahoning App. No. 12 MA 55, 2014-Ohio-581.

2014-0290. In re D.P.

Hamilton App. Nos. C-130293 and C-130298, 2014-Ohio-467.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

O'Neill, J., dissents.

2014-0474. State v. Bonilla.

Greene App. No. 2011 CA 46, 2014-Ohio-623.

2014-0476. State v. Dawson.

Scioto App. No. 14CA3600.

2014-0479. Tennant v. Gallick.

Summit App. No. 26827, 2014-Ohio-477.

2014-0481. Jelinek v. Abbott Laboratories.

Franklin App. No. 11AP-996, 2013-Ohio-1675.

Kennedy, J., dissents.

French, J., not participating.

2014-0482. State v. Campbell.

Cuyahoga App. No. 99936, 2014-Ohio-499.

2014-0486. State v. Jones.

Cuyahoga App. No. 99837, 2014-Ohio-496.

French, J., dissents.

2014-0487. State v. Campbell.

Cuyahoga App. No. 99807, 2014-Ohio-493.

2014-0492. State v. Thigpen.

Cuyahoga App. No. 99841, 2014-Ohio-207.

O'Donnell, Kennedy, and O'Neill, JJ., dissent.

2014-0493. Toros v. Cuyahoga Cty. Bd. of Dev. Disabilities.

Cuyahoga App. No. 99637, 2013-Ohio-4601.

Pfeifer and O'Donnell, JJ., dissent.

2014-0496. State v. Rocha.

Cuyahoga App. No. 99826, 2014-Ohio-495.

2014-0497. State v. McCoy.

Licking App. No. 14 CA 2. Discretionary appeal not accepted. Motion to dismiss denied as moot.

2014-0501. McCoy v. Stokes.

Licking App. No. 13-CA-123.

2014-0510. State v. Leyman.

Medina App. No. 99CA2970-M.

2014-0512. State v. Ditzler.

Lorain App. No. 13CA010342, 2013-Ohio-4969.

O'Neill, J., dissents.

2014-0515. State v. Boswell.

Ashland App. No. 13-COA-018, 2014-Ohio-886.

French, J., dissents.

2014-0522. State v. Marquand.

Cuyahoga App. No. 99869, 2014-Ohio-698.

O'Neill, J., dissents.

2014-0528. State v. Johnston.

Miami App. No. 14-CA-4.

2014-0535. In re D.G.

Ross App. Nos. 13CA3382 and 13CA3383, 2014-Ohio-650.

Kennedy, J., dissents and would accept the appeal on Proposition of Law No. I.

O'Neill, J., dissents.

2014-0539. State v. Simmons.

Jefferson App. No. 13 JE 15, 2014-Ohio-1014.

2014-0545. Williams v. Williams.

Stark App. No. 2013CA00107, 2014-Ohio-1044.

Kennedy, J., dissents.

2014-0549. State v. Welch.

Cuyahoga App. No. 99349, 2014-Ohio-695.

2014-0551. Hubbard Family Trust v. TNT Land Holdings, L.L.C.

Pike App. No. 12CA833, 2014-Ohio-772.

Pfeifer, J., dissents.

2014-0561. State v. Marioth.

Franklin App. No. 12AP-342, 2013-Ohio-3008.

2014-0570. State v. Bizzell.

Montgomery App. Nos. 25905 and 25906, 2014-Ohio-726.

Pfeifer, J., dissents.

2014-0577. State v. Miles.

Medina App. No. 12CA0102-M, 2013-Ohio-4272.

2014-0590. State v. Furness.

Cuyahoga App. No. 99930, 2014-Ohio-414.

2014-0606. State v. Schmidt.

Seneca App. No. 13-13-07, 2014-Ohio-758.

O'Donnell and O'Neill, JJ., dissent.

2014-0616. State v. McDonald.

Clermont App. No. CA2013-07-056, 2014-Ohio-989.

2014-0622. Thomas v. Sheldon.

Lucas App. No. L-13-1175, 2014-Ohio-1006.

2014-0623. State v. Jones.

Clark App. No. 2012 CA 61, 2013-Ohio-4820.

Kennedy and O'Neill, JJ., dissent.

2014-0628. State v. Reynolds.

Hamilton App. No. C-130424.

2014-0630. State v. Dority.

Erie App. No. E-13-065, 2014-Ohio-966.

2014-0637. State v. Werber.

Cuyahoga App. No. 100290, 2014-Ohio-609.

2014-0654. State v. Tanksley.

Franklin App. No. 13AP-769, 2014-Ohio-1194.

2014-0657. State v. Howard.

Summit App. No. 26897, 2014-Ohio-1334.

2014-0662. State v. Dunham.

Richland App. No. 13CA26, 2014-Ohio-1042.

Kennedy and French, JJ., dissent.

2014-0670. State v. Peters.

Franklin App. Nos. 13AP-748 and 13AP-750, 2014-Ohio-1071.

2014-0671. State v. Meyers.

Lake App. Nos. 2013-L-042 and 2013-L-043, 2014-Ohio-1357. Discretionary appeal not accepted. Motion for stay denied.

2014-0684. State v. Gamble.

Montgomery App. No. 25639, 2014-Ohio-1277.

2014-0691. State v. Dunkle.

Franklin App. No. 13AP-687, 2014-Ohio-1028.

2014-0709. State v. Williams.

Cuyahoga App. No. 99901, 2014-Ohio-701.

2014-0717. State v. Mack.

Franklin App. No. 13AP-884, 2014-Ohio-1648.

RECONSIDERATION OF PRIOR DECISIONS

2014-0038. State v. Lintz.

Lake App. No. 2013-L-066, 2013-Ohio-4847. Reported at 138 Ohio St.3d 1468, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

2014-0055. In re C.O.

Cuyahoga App. Nos. 99334 and 99335, 2013-Ohio-5239. Reported at 138 Ohio St.3d 1469, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2014-0056. O'Malley v. O'Malley.

Cuyahoga App. No. 98708, 2013-Ohio-5238. Reported at 138 Ohio St.3d 1469, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

French, J., dissents and would grant the motion for reconsideration as to Proposition of Law No. II.

O'Neill, J., dissents.

2014-0060. State v. Dukles.

Medina App. No. 12CA0100-M, 2013-Ohio-5263. Reported at 138 Ohio St.3d 1469, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

2014-0088. Salmons v. Jones.

Lawrence App. No. 13CA11, 2013-Ohio-5417. Reported at 138 Ohio St.3d 1470, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

2014-0092. Crenshaw v. Integrity Realty Group, L.L.C.

Cuyahoga App. No. 100031, 2013-Ohio-5593. Reported at 138 Ohio St.3d 1470, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

2014-0099. State ex rel. Verhovec v. Marietta.

Washington App. Nos. 11CA29, 12CA52, 12CA53, 13CA1, and 13CA2, 2013-Ohio-5414. Reported at 138 Ohio St.3d 1470, 2014-Ohio-1674, 6 N.E.3d 1206. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2014-0100. State ex rel. Verhovec v. Marietta.

Washington App. No. 12CA32, 2013-Ohio-5415. Reported at 138 Ohio St.3d 1470, 2014-Ohio-1674, 6 N.E.3d 1206. On motion for reconsideration. Motion denied.