

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 20, 2015

[Cite as *05/20/2015 Case Announcements*, 2015-Ohio-1896.]

MERIT DECISIONS WITH OPINIONS

2013-1886. State v. North, Slip Opinion No. 2015-Ohio-1812.

Franklin App. No. 13AP-110, 2013-Ohio-4607. Judgment reversed and cause remanded.

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

French, J., dissents.

2014-0618. State v. F.R., Slip Opinion No. 2015-Ohio-1816.

Franklin App. No. 13AP-525, 2014-Ohio-799. Judgment reversed and cause remanded.

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

French, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2010-2139. State ex rel. Waters v. Fed. Bur. of Investigation.

On complaint in mandamus of Kirk Waters. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

2012-1955. Johnson v. United States Postal Inspection Serv.

On complaint in mandamus and prohibition of Cinseree Johnson. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

O'Donnell, J., dissents and would grant an alternative writ.

2014-1901. Montgomery v. Crutchfield.

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

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

2014-2162. Fields v. Bradley.

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

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

2014-2183. Hudson v. Lazaroff.

In Habeas Corpus. On amended petition for writ of habeas corpus of Tonio P. Hudson. Sua sponte, cause dismissed.

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

2015-0027. Montgomery v. Bunting.

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

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

2015-0081. Collins v. Kelly.

In Habeas Corpus. On motion for default judgment or for judgment on the pleadings. Motion denied. On petition for writ of habeas corpus of Larry Collins. Sua sponte, cause dismissed.

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

2015-0102. Wells v. LaRose.

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

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

2015-0146. State ex rel. Iler v. Spencer.

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

It is further ordered that relator's motion for leave to file first amended complaint pursuant to Civ.R. 15(A) with amended complaint for writs of habeas corpus, mandamus, and prohibition of Amanda Wilson Iler and relator's motion to strike respondents' motions to dismiss are denied.

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

2015-0193. State ex rel. Davis v. Sheldon.

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

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

2015-0303. Justice v. United States.

Miscellaneous case. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2015-0325. State ex rel. Morris v. Cain.

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.

2015-0350. Persinger v. Fifth Dist. Appellate Court.

In Procedendo. On answer of respondent Monroe County Common Pleas Court Clerk and motion to dismiss. Motion granted. Cause dismissed.

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

2015-0353. State ex rel. Smith v. Bombik.

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.

2015-0359. Mitchell v. Ney.

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.

2015-0371. Duff v. Bradley.

In Habeas Corpus. On petition for writ of habeas corpus of Oliver B. Duff. Sua sponte, cause dismissed.

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

2015-0463. Stenson v. Oney.

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

2014-1236. Midland Funding, L.L.C. v. Hottenroth.

Cuyahoga App. No. 100146, 2014-Ohio-2390. On motion to dismiss. Motion denied.

It is ordered by the court, sua sponte, that this cause is consolidated with 2015-0186, *Midland Funding, L.L.C. v. Hottenroth*, and that briefing in 2014-1236 and 2015-0186 is stayed and held for the decision in 2013-0118, *Taylor Jarvis v. First Resolution Invest. Corp.*

O'Donnell and Kennedy, JJ., dissent.

2014-1457. Hodge v. Prater.

Franklin App. No. 13AP-838, 2014-Ohio-3152. On motion for stay pending appeal to the United States Supreme Court. Motion denied.

2014-1469. State ex rel. Ebersole v. Powell.

In Mandamus. On relators' application for additional costs. Request denied.

2014-1784. State v. Holmes.

Coshocton App. No. 2014CA0020. On motion requesting case results in 2014-1784. Motion denied.

O'Donnell, J., dissents.

2014-1868. State ex rel. Barksdale v. Sutula.

On motion for relief from judgment. Motion denied. On motion to declare relator a “vexatious litigator” under S.Ct.Prac.R. 4.03(B). Motion denied.

O’Connor, C.J., and French, J., dissent and would grant the motion to declare relator a vexatious litigator.

2015-0449. State v. Coots.

Miami App. No. 2014 CA 1, 2015-Ohio-0126. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2015-0451. State v. Meyer.

Summit App. No. 26999, 2014-Ohio-3705. On motion for leave to file delayed appeal. Motion denied.

French and O’Neill, JJ., dissent.

O’Connor, C.J., not participating.

2015-0452. State v. Brown.

Licking App. No. 14-CA-22. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

2015-0476. Burton Carol Mgt., L.L.C. v. Ziegler.

Lake App. No. 2014-L-130. On motion to stay enforcement of 3/5/15 judgment pending appeal. Motion denied.

2015-0502. State v. Horton.

Franklin App. No. 13AP-855, 2014-Ohio-2785. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

2015-0522. State v. Moore.

Clark App. No. 2013 CA 97. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

2015-0547. State v. Richards.

Athens App. No. 14CA1, 2015-Ohio-0669. On emergency motion for stay of court of appeals’ judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2014-1940. Linert v. Foutz.

Mahoning App. No. 11 MA 189, 2014-Ohio-4431. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal on Proposition of Law Nos. I and II and declines to accept the cross-appeal.

O'Connor, C.J., and Kennedy, J., would also accept Proposition of Law Nos. III and IV of the appeal.

French, J., would also accept Proposition of Law Nos. I and II of the cross-appeal.

O'Neill, J., would also accept Proposition of Law Nos. III and IV of the appeal and Proposition of Law Nos. I, II, III, and IV of the cross-appeal.

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

2014-1953. Simpkins v. Grace Brethren Church of Delaware.

Delaware App. No. 13 CAE 10 0073, 2014-Ohio-3465. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal on Proposition of Law Nos. I and II and declines to accept the cross-appeal.

Pfeifer, J., would also accept Proposition of Law Nos. III and IV of the appeal and Proposition of Law Nos. I, II, III, and IV of the cross-appeal.

French, J., would also accept Proposition of Law Nos. III and IV of the appeal.

O'Neill, J., would also accept Proposition of Law Nos. I, II, III, and IV of the cross-appeal.

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

2014-2051. Wendt v. Dickerson.

Tuscarawas App. No. 2014 AP 01 0003, 2014-Ohio-4615. It is ordered by the court, sua sponte, that this cause is held for the decision in 2014-0803, *Walker v. Shondrick-Nau*, and the briefing schedule is stayed.

Lanzinger, J., dissents and would not accept Proposition of Law No. II.

French, J., would also hold the cause for decision in 2014-0804, *Corban v. Chesapeake Exploration, L.L.C.*

2014-2079. Baker v. Wayne.

Wayne App. No. 13CA0029. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal on Proposition of Law Nos. I and II.

Lanzinger, Kennedy, and French, JJ., would also accept Proposition of Law Nos. III, IV, and V of the appeal.

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

2014-2190. In re A.G.

Cuyahoga App. No. 101010, 2014-Ohio-4927.

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

2015-0186. Midland Funding, L.L.C. v. Hottenroth.

Cuyahoga App. No. 100146, 2014-Ohio-5680. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeals.

It is ordered by the court, sua sponte, that this cause is held for the decision in 2013-0118, *Taylor Jarvis v. First Resolution Invest. Corp.*, and the briefing schedule is stayed.

It is further ordered by the court, sua sponte, that this cause is consolidated with 2014-1236, *Midland Funding, L.L.C. v. Hottenroth*.

Pfeiffer and Kennedy, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2013-0629. State v. Hughbanks.

Hamilton App. No. C-120351.

Pfeifer, J., dissents.

2014-1883. Lindale v. State.

Franklin App. No. 14AP-21, 2014-Ohio-4024.

French and O'Neill, JJ., dissent.

2014-1998. State v. Sluss.

Highland App. No. 13CA24, 2014-Ohio-4156.

2014-2011. T.W. v. Dept. of Youth Servs.

Franklin App. No. 14AP-735.

Lanzinger, J., not participating.

2014-2034. Arndt v. P & M, Ltd.

Portage App. No. 2013-P-0027.

2014-2035. State ex rel. Clinton v. MetroHealth Sys.

Cuyahoga App. No. 100590, 2014-Ohio-4469.

O'Connor, C.J., dissents and would accept the cause on Proposition of Law No. I.

2014-2040. McDougal v. Vecchio.

Cuyahoga App. No. 100850, 2014-Ohio-4472.

2014-2041. State v. Wellington.

Cuyahoga App. Nos. 100867, 100869, and 100870, 2014-Ohio-4473.

O'Donnell, J., dissents.

2014-2042. PNC Bank, N.A. v. On The Greens Property Co.

Lake App. No. 2014-L-007.

2014-2050. State v. Aeschlimann.

Stark App. No. 2013 CA 00192, 2014-Ohio-4462.

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

2014-2052. State v. Jackson.

Cuyahoga App. No. 100877, 2014-Ohio-5137.

O'Connor, C.J., dissents.

2014-2058. Rising Sun v. Chaney.

Wood App. No. WD-14-060.

2014-2061. Kellam v. Bakewell.

Erie App. No. E-13-032, 2014-Ohio-4635.

O'Donnell, J., dissents.

2014-2062. Columbus v. Horton.

Franklin App. No. 13AP-966, 2014-Ohio-4584.

O'Donnell, J., dissents.

2014-2077. State v. Blankenburg.

Butler App. No. CA2013-11-197, 2014-Ohio-4621.

O'Neill, J., dissents.

2014-2081. Hall v. Gilbert.

Cuyahoga App. No. 101090, 2014-Ohio-4687.

2014-2091. State v. Kilbarger.

Fairfield App. No. 13-CA-64, 2014-Ohio-4949.

O'Connor, C.J., and Lanzinger, J., dissent and would accept the cause on Proposition of Law No. V and hold the cause for decision in 2014-1844, *State v. Creech*.

O'Neill, J., dissents and would accept the cause on all Propositions of Law and hold the cause for decision in 2014-1844, *State v. Creech*.

2014-2092. Hoffman v. Maisons Lafayette Condominium Block A Owners' Assn.

Hamilton App. No. C-140091, 2014-Ohio-4645.

2014-2096. State v. Hutchings.

Cuyahoga App. No. 100735, 2014-Ohio-4675.

2014-2100. Sliwinski v. St. Edwards.

Summit App. No. 27247, 2014-Ohio-4655.

2014-2102. Dickerson v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 100650, 2014-Ohio-4672.

2014-2105. Infocision Mgt. Corp. v. Michael D. Sammy Ins. Agency, Inc.

Summit App. No. 26939, 2014-Ohio-4653.

2014-2106. State v. Burroughs.

Cuyahoga App. No. 101123, 2014-Ohio-4688.

O'Donnell and Kennedy, JJ., dissent.

2014-2139. State v. Darazim.

Franklin App. No. 14AP-203, 2014-Ohio-5304.

O'Connor, C.J., dissents and would accept the cause on Proposition of Law No. II.

2014-2173. State v. Little.

Auglaize App. No. 2-13-28, 2014-Ohio-4871.

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

2014-2186. State v. Phillips.

Franklin App. No. 14AP-362, 2014-Ohio-4947.

Pfeifer, J., dissents and would accept and hold the cause for decision in 2013-0118, *Taylor Jarvis v. First Resolution Invest. Corp.*.

2014-2192. State v. Gilmore.

Mahoning App. No. 11 MA 30, 2014-Ohio-5059.
French and O’Neill, JJ., dissent.

2014-2208. State v. Fitzgerald.

Scioto App. No. 13CA3579, 2014-Ohio-5024.
O’Connor, C.J., and O’Neill, J., dissent.

2014-2211. State v. Tomlinson.

Summit App. No. 27181, 2014-Ohio-5019.
O’Donnell and O’Neill, JJ., dissent.

2014-2218. State v. Clinton.

Franklin App. No. 13AP-751, 2014-Ohio-5099.

2014-2232. State v. Smith.

Ashtabula App. No. 2013-A-0066, 2014-Ohio-4984.

2014-2234. State v. Phillips.

Franklin App. No. 14AP-79, 2014-Ohio-5162. Motion to consolidate case with 2014-2186, *State v. Phillips*, denied as moot.

2015-0039. State v. Gartrell.

Marion App. No. 9-14-02, 2014-Ohio-5203.

2015-0069. Pointer v. Mohr.

Cuyahoga App. No. 102244.

2015-0073. State v. Levingston.

Hamilton App. No. C-140194.

2015-0086. State v. Dudley.

Hamilton App. No. C-130526.

2015-0094. Hillman v. Edwards.

Franklin App. Nos. 14AP-496 and 14AP-497, 2014-Ohio-5667.
French, J., not participating.

2015-0105. In re Estate of Sowande.

Portage App. No. 2014-P-0018, 2014-Ohio-5384.

2015-0107. State v. Varner.

Butler App. No. CA2014-02-046.

2015-0125. State v. Kerr.

Wood App. No. WD-13-047, 2014-Ohio-5455.

2015-0126. McKim v. Finley.

Washington App. No. 13CA5.

2015-0133. State v. Robinson.

Cuyahoga App. No. 101426, 2014-Ohio-5435.

O'Neill, J., dissents and would accept the cause on Proposition of Law Nos. I and II.

2015-0136. State v. Hamilton.

Franklin App. No. 14AP-291, 2014-Ohio-5562.

2015-0137. State v. Heid.

Scioto App. No. 14CA3670.

2015-0139. State v. Schlee.

Lake App. No. 2013-L-131, 2014-Ohio-5765.

2015-0143. State v. Norris.

Monroe App. No. 14 MO 7, 2014-Ohio-5833.

2015-0147. State v. Hill.

Franklin App. No. 14AP-779.

2015-0166. State v. Coley-Carr.

Cuyahoga App. No. 101611, 2014-Ohio-5556.

2015-0174. Gough v. Vos.

Columbiana App. No. 13 CO 29.

2015-0177. State v. Tielen.

Brown App. No. CA2013-11-012, 2014-Ohio-4421.

2015-0183. Moore v. Kelly.

Lorain App. No. 14CA010711.

2015-0191. State v. Gibbs.

Geauga App. No. 2014-G-3201, 2014-Ohio-5772.

2015-0204. State v. Smallwood.

Butler App. No. CA2014-11-228.

2015-0206. State v. Ahlers.

Erie App. No. E-14-005, 2015-Ohio-131.

2015-0210. State v. Clark.

Cuyahoga App. No. 101449, 2014-Ohio-5693.

O'Donnell, J., dissents.

2015-0233. State v. Durdin.

Franklin App. No. 14AP-249, 2014-Ohio-5759.

2015-0242. State v. Padilla.

Hamilton App. No. C-130688.

2015-0247. State v. Powell.

Summit App. No. 27075, 2014-Ohio-5787.

2015-0248. State v. Brune.

Butler App. No. CA2014-02-058, 2014-Ohio-5742.

2015-0251. State v. Wilson.

Montgomery App. No. 25811, 2014-Ohio-5808.

2015-0263. State v. Archey.

Summit App. No. 27647.

O'Connor, C.J., not participating.

2015-0269. State v. Beatty-Jones.

Montgomery App. No. 24245.

2015-0296. State v. Lowe.

Franklin App. No. 14AP-481, 2015-Ohio-382.

2015-0309. McKinney v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 14AP-1046.

2015-0318. State v. Baker.

Montgomery App. No. 26252, 2015-Ohio-338.

2015-0319. State v. Hertel.

Delaware App. No. 14 CAA 09 0060.

2015-0332. State v. Ringer.

Hamilton App. No. C-130656.

2015-0345. State v. Maschke.

Morrow App. No. 11 CA 12.

2015-0352. State v. Jennings.

Lucas App. No. L-13-1178, 2015-Ohio-134.

2015-0402. State v. Rivera.

Lucas App. No. L-13-1177.

2015-0405. State v. Reeves.

Cuyahoga App. No. 100560, 2015-Ohio-299.

2015-0410. State v. Campbell.

Adams App. No. 13CA969.

2015-0418. In re. N.B.

Cuyahoga App. No. 101390, 2015-Ohio-314.

Pfeifer and O'Neill, JJ., dissent.

2015-0423. State v. Mathis.

Cuyahoga App. No. 91830, 2015-Ohio-295.

2015-0454. State v. Contrearus.

Lucas App. No. L-12-1114.

O'Neill, J., dissents.

2015-0477. State v. Besteder.

Lucas App. No. L-13-1257.

RECONSIDERATION OF PRIOR DECISIONS

2013-0945. State ex rel. Cincinnati Enquirer v. Sage.

Butler App. No. CA2012-06-122, 2013-Ohio-2270. Reported at __ Ohio St.3d __, 2015-Ohio-974, __N.E.3d __. On motion for reconsideration or clarification. Motion denied.

Pfeifer, J., dissents.

2014-0480. Jodka v. Cleveland.

Cuyahoga App. No. 99951, 2014-Ohio-208. Reported at __ Ohio St.3d __, 2015-Ohio-861, __ N.E.3d __. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

O'Donnell, J., not participating.

2014-0636. Jodka v. Cleveland.

Cuyahoga App. No. 99951, 2014-Ohio-208. Reported at __ Ohio St.3d __, 2015-Ohio-860, __N.E.3d __. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

O'Donnell, J., not participating.

2014-1493. Foster v. Sheldon.

In Habeas Corpus. Reported at 141 Ohio St.3d 1448, 2015-Ohio-239, 23 N.E.3d 1191. On motion for reconsideration. Motion denied.

2014-1591. State v. Dent.

Cuyahoga App. No. 100605, 2014-Ohio-3141. Reported at 141 Ohio St.3d 1488, 2015-Ohio-842, 26 N.E.3d 824. On motion for reconsideration. Motion denied.

2014-1631. State v. Shuster.

Morgan App. Nos. 13AP0001 and 13AP0002, 2014-Ohio-3486. Reported at 141 Ohio St.3d 1489, 2015-Ohio-842, 26 N.E.3d 824. On motion for reconsideration. Motion denied.

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

2014-1643. State v. Patterson.

Franklin App. Nos. 14AP-50 and 14AP-290, 2014-Ohio-2740. Reported at 141 Ohio St.3d 1489, 2015-Ohio-842, 26 N.E.3d 824. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion as to Proposition of Law No. I.

O'Donnell and French, JJ., dissent.

2014-1739. State ex rel. McGinty v. Eighth Dist. Court of Appeals.

In Prohibition. Reported at 142 Ohio St.3d 100, 2015-Ohio-937, 28 N.E.3d 88. On motion to supplement record. Motion granted. On second motion to supplement record. Motion granted. On amended motion of Lance Mason, real party in interest, to intervene as respondent. Motion granted. On amended motion for reconsideration. Motion denied.

Pfeifer, J., dissents and would grant the motion for reconsideration.

2014-2253. State ex rel. Hill-Foster v. Indus. Comm.

Franklin App. No. 14AP-335. Reported at 141 Ohio St.3d 1485, 2015-Ohio-842, 26 N.E.3d 822. On motion for reconsideration. Motion denied.