

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 24, 2015

[Cite as *06/24/2015 Case Announcements*, 2015-Ohio-2341.]

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### MERIT DECISIONS WITH OPINIONS

**2013-1255 and 2013-1501. State v. Rogers, Slip Opinion No. 2015-Ohio-2459.**

Cuyahoga App. Nos. 98292, 98584, 98585, 98586, 98587, 98588, 98589, and 98590, 2013-Ohio-3235. Judgment affirmed in part and reversed in part.

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

Pfeifer, J., concurs in judgment only.

O'Neill, J., dissents.

**2014-0678. State ex rel. Tradesmen Internatl. v. Indus. Comm., Slip Opinion No. 2015-Ohio-2342.**

Franklin App. No. 13AP-122, 2014-Ohio-1064. Judgment affirmed.

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

### MERIT DECISIONS WITHOUT OPINIONS

**2015-0261. State ex rel. Armengau v. Sheldon.**

In Habeas Corpus. On petition for writ of habeas corpus of Javier Armengau and motion for expedited ruling. Sua sponte, cause dismissed and motion denied.

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

**2015-0393. Anderson v. Cleveland.**

Miscellaneous case. On motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0447. Johns v. Wiseman.**

In Prohibition. On emergency motion to stay execution of judgment. Motion denied. On motion for expedited consideration of alternative writ of prohibition or other appropriate relief. Motion denied. On motions to dismiss. Motions granted. Cause dismissed.

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

**2015-0555. State ex rel. Pruett v. Grafton Corr. Inst.**

In Prohibition. 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.

**2015-0583. State ex rel. Dent v. Eighth Dist. Court of Appeals.**

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.

**2015-0585. State ex rel. Miller v. Sixth Dist. Court of Appeals Judges.**

Miscellaneous case. On motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0586. State ex rel. Andrews v. Cicconetti.**

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0630. Lane v. Buckwater.**

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.

**2015-0670. State ex rel. Clumm v. Athens Cty. Court of Appeals.**

In Mandamus. On respondent's 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

**2014-0672. Keybank Natl. Assn. v. Smith.**

Butler App. No. CA2013-12-237. On motion for sanctions. Motion denied.

**2015-0386. Crutchfield, Inc. v. Testa.**

Board of Tax Appeals Nos. 2012-926, 2012-3068, and 2013-2021. On motion to consolidate case with 2014-0483. Motion denied.

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

O'Connor, C.J., and French, J., concur but would hold 2014-0483 for the decision in this case.

**2015-0628. Stolz v. J & B Steel Erectors, Inc.**

Certified Question of State Law, United States District Court, Southern District of Ohio, Western Division, No. 1:14-CV-0044. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court will answer the following question:

“Whether Ohio Rev. Code 4123.35 and 4123.74 provide immunity to subcontractors enrolled in a Workers’ Compensation self-insurance plan from tort claims made by employees of [other] enrolled subcontractors injured while working on the self-insured project.”

Petitioner shall file its merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

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

**2015-0635. Hornsby v. Gosser.**

Warren App. No. CA2013-12-134, 2015-Ohio-162. On motion to stay. Motion denied.

**2015-0636. State v. Williams.**

Cuyahoga App. No. 101026, 2014-Ohio-5428. On motion for leave to file delayed appeal. Motion denied.

**2015-0643. State v. Patrick.**

Cuyahoga App. No. 102386. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2015-0646. State v. Russell.**

Hamilton App. No. C-140159. On motion for leave to file delayed appeal. Motion denied.

Lanzinger, J., dissents.

**2015-0651. State v. Todd.**

Clermont App. No. CA2014-05-035, 2015-Ohio-649. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2015-0654. State v. Hubbard.**

Butler App. No. CA2014-03-063, 2015-Ohio-646. On review of order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

**2015-0665. State v. Huggins.**

Seneca App. No. 13-14-10, 2014-Ohio-4999. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2015-0667. State v. Belcher.**

Lucas App. Nos. L-13-1250 and L-13-1252, 2014-Ohio-5596. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2015-0674. State v. Haywood.**

Hamilton App. No. C-130525, 2014-Ohio-2801. On motion for leave to file delayed appeal. Motion denied.

**2015-0704. State v. Frett.**

Cuyahoga App. No. 97538, 2012-Ohio-3363. On motion for leave to file delayed appeal. Motion denied.

**2015-0711. State v. Drummond.**

Ashtabula App. No. 2013-A-0055, 2015-Ohio-939. On motion for leave to file delayed appeal. Motion denied.

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

**2015-0720. State v. Bryant.**

Allen App. No. 1-14-47. On motion for leave to file delayed appeal. Motion denied.

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

**2015-0732. State v. Setty.**

Clermont App. Nos. CA2013-06-049 and CA2013-06-050, 2014-Ohio-2340. On motion for leave to file delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2015-0034. Koenig v. Dungey.**

Hamilton App. No. C-140111, 2014-Ohio-4646. It is ordered by the court that this cause is held for the decision in 2013-1773, *Estate of Atkinson v. Ohio Dept. of Job & Family Servs.*, and the briefing schedule is stayed.

Kennedy, J., concurs in the decision to accept the cause but would not hold the cause or stay the briefing schedule.

Pfeifer and O'Neill, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2013-0846. State v. Cassano.**

Richland App. No. 12CA55, 2013-Ohio-1783.

**2013-1356. State v. Neyland.**

Wood App. No. WD-12-014, 2013-Ohio-3065.

**2014-2195. State v. Hartsook.**

Warren App. No. CA2014-01-020, 2014-Ohio-4528.

O'Connor, C.J., and O'Neill, J., dissent and would accept the cause on Proposition of Law Nos. III and IV and hold the cause for decision in 2014-1557, *State v. Klembus*.

**2014-2198. Greer v. Bruce.**

Hamilton App. No. C-140121, 2014-Ohio-4901.

**2014-2202. State v. Dillard.**

Meigs App. No. 13CA9, 2014-Ohio-4974.

French, J., dissents and would accept the cause on Proposition of Law No. IV.

**2014-2206. In re Estate of Panning.**

Wood App. No. WD-14-004, 2014-Ohio-4969.

**2014-2212. State v. Ross.**

Cuyahoga App. No. 100708, 2014-Ohio-4566.

**2014-2219. Doe v. Bath Local School Dist. Bd. of Edn.**

Allen App. No. 1-14-12, 2014-Ohio-4992.

Pfeifer and O'Neill, JJ., dissent.

**2014-2225. State v. Shalash.**

Hamilton App. No. C-130748, 2014-Ohio-5006.

**2014-2226. State v. Shalash.**

Hamilton App. No. C-130749, 2014-Ohio-5006.

**2014-2227. In re R.L.**

Montgomery App. No. 26232, 2014-Ohio-5065.

O'Neill, J., dissents.

**2014-2229. State v. Starcher.**

Jefferson App. No. 14 JE 17, 2014-Ohio-5223.

**2014-2233. State v. Goldblum.**

Montgomery App. No. 25851, 2014-Ohio-5068.

**2014-2235. Wetz v. Pomeroy.**

Warren App. Nos. CA2014-03-039, CA2014-03-040, and CA2014-03-041, 2014-Ohio-5085.

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

**2014-2236. State v. Mace.**

Cuyahoga App. No. 100779, 2014-Ohio-5036.

O'Donnell, J., dissents.

**2014-2239. Evans v. Toledo Neurological Assocs.**

Lucas App. No. L-13-1227, 2014-Ohio-4336.

**2014-2240. Portfolio Recovery Assocs., L.L.C. v. Heinichen.**

Hamilton App. No. C-140237.

**2014-2246. In re J.T.**

Hamilton App. Nos. C-140143 and C-140144, 2014-Ohio-5062.

**2014-2251. State v. Noor.**

Franklin App. No. 13AP-165. Appeal and cross-appeal not accepted.  
O'Donnell, J., dissents and would accept the appeal.

**2014-2257. State v. Koss.**

Franklin App. No. 13AP-970, 2014-Ohio-5042.  
O'Neill, J., dissents.

**2015-0007. State v. Clark.**

Franklin App. No. 14AP-142, 2014-Ohio-5101.

**2015-0012. JPMCC 2004-CIBC10 7th St. Office, L.L.C. v. URS Tower, L.L.C.**

Hamilton App. No. C-140289.  
O'Neill, J., dissents.

**2015-0017. State v. Roy.**

Lorain App. No. 13CA010404, 2014-Ohio-5186.  
O'Neill, J., dissents.

**2015-0018. State v. Richmond.**

Cuyahoga App. No. 102215, 2014-Ohio-4842.

**2015-0019. 4 Kats Trading Co. v. United States Liab. Ins. Co.**

Cuyahoga App. No. 101244, 2014-Ohio-5146.

**2015-0021. Johnson v. Greater Cleveland R.T.A.**

Cuyahoga App. No. 101249, 2014-Ohio-4694.  
O'Donnell and Kennedy, JJ., dissent.

**2015-0022. State v. R.D.**

Franklin App. Nos. 13AP-847 and 13AP-1059, 2014-Ohio-5100.  
O'Donnell and French, JJ., dissent.

**2015-0023. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Franklin App. No. 14AP-167, 2014-Ohio-4360.

**2015-0024. State v. Lopez.**

Lorain App. Nos. 10CA009771 and 03CR4117, 2014-Ohio-5089.

**2015-0033. State v. Becker.**

Cuyahoga App. No. 100524, 2014-Ohio-4565.

**2015-0044. State v. Taylor.**

Stark App. No. 2014 CA 00024, 2014-Ohio-5231.

**2015-0049. State v. Hayes.**

Franklin App. No. 14AP-2, 2014-Ohio-5295.

**2015-0053. State v. Mattix.**

Marion App. No. 9-14-10, 2014-Ohio-5319.

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

**2015-0063. State v. Dues.**

Cuyahoga App. No. 100861, 2014-Ohio-5276.

**2015-0097. State v. Cook.**

Hamilton App. No. C-140041.

**2015-0109. State v. King.**

Butler App. Nos. CA2013-11-199 and CA2014-06-138, 2014-Ohio-5393.

**2015-0112. Bangor v. Amato.**

Columbiana App. No. 14 CO 9, 2014-Ohio-5503.

**2015-0237. State v. Victor.**

Geauga App. Nos. 2014-G-3220 and 2014-G-3241.

O'Neill, J., dissents.

**2015-0395. State v. Williams.**

Cuyahoga App. No. 101121, 2015-Ohio-172.

O'Donnell, J., dissents.

**2015-0396. In re J.M.**

Franklin App. No. 14AP-431, 2015-Ohio-184.

**2015-0400. State v. Stevens.**



Morgan App. No. 14 AP 0005, 2015-Ohio-307.  
O'Neill, J., dissents.

**2015-0403. State v. Picard.**

Richland App. No. 14 CA 65, 2015-Ohio-431.

**2015-0404. State v. Dowdy.**

Cuyahoga App. No. 101589, 2015-Ohio-318.

**2015-0411. State v. Williams.**

Lucas App. No. L-12-1238, 2015-Ohio-405.

**2015-0414. State v. Snow.**

Medina App. No. 14CA0019-M, 2015-Ohio-358.

**2015-0419. State v. Clay.**

Lawrence App. No. 14CA34.

**2015-0422. State v. Haynie.**

Marion App. No. 9-14-45.

**2015-0435. State v. Stepp.**

Butler App. No. CA2013-12-226.

**2015-0437. Henderson v. Euclid.**

Cuyahoga App. No. 101149, 2015-Ohio-15.

**2015-0441. State v. Barrow.**

Cuyahoga App. No. 101356, 2015-Ohio-525.

**2015-0444. State v. Smith.**

Shelby App. No. 17-14-36.

**2015-0445. State v. Lynn.**

Shelby App. No. 17-14-15.

**2015-0446. State v. Osco.**

Portage App. No. 2014-P-0009, 2015-Ohio-44.

**2015-0468. State v. Holder.**

Huron App. No. H-14-015.

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

Lake App. No. 2014-L-130.

**2015-0479. Clermont Cty. Transp. Improvement Dist. v. Smolinski.**

Clermont App. No. CA2014-12-082.

**2015-0480. State v. Holmes.**

Coshocton App. No. 2014CA0020, 2015-Ohio-538.

**2015-0487. State v. Ysrael.**

Hamilton App. No. C-140148.

**2015-0490. Davet v. Sheehan.**

Cuyahoga App. No. 101452, 2014-Ohio-5694.

**2015-0503. State v. Jordan.**

Warren App. No. CA2014-04-051, 2015-Ohio-575.

**2015-0511. State v. Scott.**

Licking App. No. 13-CA-45.

**2015-0521. State v. Jones.**

Lucas App. No. L-13-1193, 2015-Ohio-629.

**2015-0528. State v. Soller.**

Ashtabula App. No. 2014-A-0034, 2015-Ohio-635.

**2015-0529. State v. Phillips.**

Lucas App. No. L-14-1061, 2015-Ohio-632.

**2015-0531. State v. Henton.**

Ashtabula App. No. 2014-A-0079.

**2015-0548. State v. Rembert.**

Franklin App. No. 15AP-47.

O'Donnell, J., not participating.

**2015-0554. State v. Thompson.**

Franklin App. No. 14AP-488, 2015-Ohio-655.

**2015-0566. State v. Fikes.**

Hamilton App. No. C-060581.

**2015-0569. State v. Hughes.**

Hamilton App. No. C-140294.

**2015-0582. State v. Fair.**

Summit App. No. 27293, 2014-Ohio-5776.

**2015-0595. State v. Wright.**

Clark App. No. 99-CA-0011.

**2015-0600. State v. Osorio.**

Lorain App. No. 13CA010355, 2015-Ohio-716.

**2015-0601. State v. Smith.**

Franklin App. No. 13AP-973, 2015-Ohio-735.

**2015-0644. State v. Mayberry.**

Montgomery App. No. 26025.

**2015-0686. State v. Hunter.**

Franklin App. No. 14AP-163.

**2015-0716. State v. Clinton.**

Franklin App. No. 13AP-751.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2013-1534. Wells Fargo Bank, N.A. v. Horn.**

Lorain App. No. 12CA010230, 2013-Ohio-2374. Reported at 142 Ohio St.3d 416, 2015-Ohio-1484, 31 N.E.3d 637. On motion for reconsideration. Motion denied.

**2013-2008. Smith v. Chen.**

Franklin App. No. 12AP-1027, 2013-Ohio-4931. Reported at 142 Ohio St.3d 411, 2015-Ohio-1480, 31 N.E.3d 633. On motion for reconsideration. Motion denied.

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

**2014-0485. SRMOF 2009-1 Trust v. Lewis.**

Butler App. Nos. CA2012-11-239 and CA2013-05-068, 2014-Ohio-71. Reported at 142 Ohio St.3d 369, 2015-Ohio-1494, 30 N.E.3d 950. On motion for reconsideration. Motion denied.

**2014-1819. In re Q.O.**

Hamilton App. No. C-130548, 2014-Ohio-3893. Reported at 142 Ohio St.3d 1422, 2015-Ohio-1353, 28 N.E.3d 121. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2014-1924. Agic v. Natl. Union Fire Ins. Co. of Pittsburgh.**

Cuyahoga App. No. 100679, 2014-Ohio-4205. Reported at 142 Ohio St.3d 1448, 2015-Ohio-1591, 29 N.E.3d 1003. On motion for reconsideration. Motion denied.

**2014-1926. State v. Scott.**

Madison App. No. CA2014-05-013, 2014-Ohio-4177. Reported at 142 Ohio St.3d 1423, 2015-Ohio-1353, 28 N.E.3d 122. On motion for reconsideration. Motion denied.

**2014-1950. Angus v. Angus.**

Franklin App. Nos. 14AP-22 and 14AP-159, 2014-Ohio-4225. Reported at 142 Ohio St.3d 1423, 2015-Ohio-1353, 28 N.E.3d 122. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

**2014-2074. State v. Bridges.**

Cuyahoga App. No. 100805, 2014-Ohio-4570. Reported at 142 Ohio St.3d 1424, 2015-Ohio-1353, 28 N.E.3d 123. On motion for reconsideration. Motion denied.

**2014-2200. Fisher v. Ironton.**

Lawrence App. No. 14CA10, 2014-Ohio-5462. Reported at 142 Ohio St.3d 1451, 2015-Ohio-1591, 29 N.E.3d 1005. On motion for reconsideration. Motion denied.

**2014-2217. State v. Hayden.**

Cuyahoga App. No. 102101. Reported at 142 Ohio St.3d 1452, 2015-Ohio-1591, 29 N.E.3d 1005. On motion for reconsideration. Motion denied.

**2015-0013. Ziegler v. Burton Carol Mgt., L.L.C.**

Lake App. No. 2014-L-022, 2014-Ohio-4740. Reported at 142 Ohio St.3d 1452, 2015-Ohio-1591, 29 N.E.3d 1005. On motion for reconsideration. Motion denied.

**2015-0015. State v. Lundy.**

Allen App. No. 1-13-52, 2014-Ohio-5003. Reported at 142 Ohio St.3d 1452, 2015-Ohio-1591, 29 N.E.3d 1005. On motion for reconsideration. Motion denied.

**2015-0038. Burton Carol Mgt., L.L.C. v. Ziegler.**

Lake App. No. 2014-L-039, 2014-Ohio-4741. Reported at 142 Ohio St.3d 1453, 2015-Ohio-1591, 29 N.E.3d 1006. On motion for reconsideration. Motion denied.

**2015-0270. State v. Wells.**

Cuyahoga App. No. 100365, 2015-Ohio-297. Reported at 142 Ohio St.3d 1453, 2015-Ohio-1591, 29 N.E.3d 1006. On motion for reconsideration. Motion denied.