

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 10, 2015

[Cite as *11/10/2015 Case Announcements, 2015-Ohio-4633.*]

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## MERIT DECISIONS WITH OPINIONS

**2013-1253. Mahoning Cty. Bar Assn. v. Marrelli, Slip Opinion No. 2015-Ohio-4614.**

On Certified Report by the Board of Professional Conduct, No. 2013-035. Deneen Marie Marrelli, Attorney Registration No. 0043728, is hereby indefinitely suspended from the practice of law in Ohio, with credit for time served under her interim default suspension.

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

**2014-1278 and 2014-1454. State v. Earley, Slip Opinion No. 2015-Ohio-4615.**

Cuyahoga App. No. 100482, 2014-Ohio-2643. Judgment affirmed.

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

O'Donnell, Kennedy, and French, JJ., concur separately.

**2015-0593. Columbus Bar Assn. v. Watson, Slip Opinion No. 2015-Ohio-4613.**

On Certified Report by the Board of Professional Conduct, No. 2014-063. David Charles Watson, Attorney Registration No. 0025989, is hereby indefinitely suspended from the practice of law in Ohio.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2015-1019. State ex rel. Beck Energy Corp. v. Munroe.**

On amended answer of respondents. On S.Ct.Prac.R. 12.04 determination, cause dismissed. Motion for oral argument pursuant to S.Ct.Prac.R. 17.02 denied as moot.

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

**2015-1367. Fields v. Neal.**

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

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

**2015-1409. Turner v. Coulson.**

In Habeas Corpus. On petition for writ of habeas corpus of John L. Turner Jr. Sua sponte, cause dismissed.

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

**2015-1439. State ex rel. Peterson v. McClelland.**

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.

**2015-1443. Turner v. Coulson.**

In Habeas Corpus. On petition for writ of habeas corpus of John L. Turner Jr. Sua sponte, cause dismissed.

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

**2015-1449. State ex rel. Christner v. Farmer.**

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.

**2015-1531. Houston v. Crutchfield.**

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

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

## MOTION AND PROCEDURAL RULINGS

### **1993-1245. State v. Loza.**

Butler App. No. CA91110198. On motion to set execution date. Motion denied. O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent.

### **2013-0696. Smith v. Buchanan.**

Noble App. No. 13-NO-399, 2013-Ohio-1746. On motion for ruling on motion for reconsideration. Motion denied.

### **2015-0590. Barton v. Barton.**

Greene App. Nos. 2014-CA-21 and 14-CA-46. On "motion for relief of judgment." Motion denied.

### **2015-0914. In re Application of N. Coast Transm., L.L.C.**

Power Siting Board, No. 14-1754-GA-BLN. On amended motion to dismiss of Ohio Power Siting Board. Motion granted. On motion to dismiss of North Coast Gas Transmission. Motion granted.

### **2015-1478. State v. Williams.**

Summit App. No. 27482, 2015-Ohio-2632. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' entry dated August 24, 2015:

"Where a trial court sentences a defendant on counts that it had previously determined were subject to merger, is the sentence void or do principles of res judicata apply to preclude a defendant from challenging the sentence after direct appeal?"

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

The conflict case is *State v. Holmes*, 8th Dist. Cuyahoga No. 100388, 2014-Ohio-3816.

### **2015-1513. State v. Burse.**

Hamilton App. No. C-140356. On motion for leave to file delayed appeal. Motion denied.

### **2015-1524. State v. Jackson.**

Richland App. No. 14CA94, 2015-Ohio-2941. On motion for leave to file delayed appeal. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

**2015-1534. State v. Calvin.**

Cuyahoga App. No. 100296, 2015-Ohio-2759. On motion for leave to file delayed appeal. Motion granted.

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

**2015-1561. Campbell v. Schlegel.**

Defiance App. No. 04-14-19. On review of order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

O'Neill, J., not participating.

**2015-1562. State v. Bryant.**

Franklin App. No. 14AP-333, 2014-Ohio-5306. On motion for leave to file delayed appeal. Motion denied.

**2015-1583. State v. Toyer.**

Lucas App. No. L-12-1299, 2014-Ohio-4338. On motion for leave to file delayed appeal. Motion denied.

**2015-1596. State v. McGowan.**

Summit App. No. 27092. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for decision in 2014-1825 and 2014-2122, *State v. Marcum*, and briefing schedule stayed.

**2015-1612. State v. Jones.**

Cuyahoga App. No. 101258. On review of order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

Pfeifer, Lanzinger, and Kennedy, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2015-0750. Belmont Hills Country Club v. Beck Energy Corp.**

Belmont App. No. 13 BE 18, 2015-1322. Discretionary appeal accepted on Proposition of Law Nos. I and II, cause held for decision in 2014-1933, *Hupp v. Beck Energy Corp.*, and briefing schedule stayed.

Pfeifer, J., dissents.

O'Neill, J., would also accept Proposition of Law No. III.

**2015-0751. Bentley v. Beck Energy Corp.**

Belmont App. Nos. 13 BE 33 and 13 BE 34, 2015-Ohio-1375. Discretionary appeal accepted on Proposition of Law Nos. I and II, cause held for decision in 2014-1933, *Hupp v. Beck Energy Corp.*, and briefing schedule stayed.

Pfeifer and O'Neill, JJ., would also accept Proposition of Law No. III.

**2015-1427. State v. Jones.**

Cuyahoga App. No. 101258, 2015-Ohio-2853.

O'Neill, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2015-0744. Copley Twp. v. Fairlawn.**

Summit App. Nos. 27010, 27012, and 27040, 2015-Ohio-1121.

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

**2015-0763. State v. Murphy.**

Cuyahoga App. No. 102860.

**2015-0764. U.S. Bank, N.A. v. Mathys.**

Hardin App. No. 6-14-08.

**2015-0765. Kreinest v. Maineville Planning Comm.**

Warren App. No. CA2014-06-087, 2015-Ohio-1178.

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

**2015-0766. Provoast v. Marion Cty. Job & Family Servs.**

Marion App. No. 9-14-37.

**2015-0768. Samsa v. Hess.**

Tuscarawas App. No. 2014 AP 0008, 2015-Ohio-429.

O'Neill, J., dissents.

**2015-0772. DeMars v. DeMars.**

Sandusky App. No. S-14-031, 2015-Ohio-1266.

O'Donnell, J., dissents.

**2015-0774. State v. Mohammad.**

Franklin App. No. 14AP-662, 2015-Ohio-1234.  
French, J., dissents.

**2015-0776. State v. Luciano.**

Wood App. No. WD-14-023, 2015-Ohio-1264.

**2015-0777. State v. Mills.**

Medina App. No. 14CA0046-M, 2015-Ohio-1253.

**2015-0778. State v. Moore.**

Montgomery App. No. 25990, 2015-Ohio-1327.  
O'Donnell, French, and O'Neill, JJ., dissent.

**2015-0784. State v. Adams.**

Clark App. No. 2014-CA-13, 2015-Ohio-1160.  
O'Connor, C.J., dissents and would hold the cause for the decision in 2014-1825 and 2014-2122, *State v. Marcum*.  
O'Donnell and French, JJ., dissent.

**2015-0786. Dickerson v. Greater Cleveland Regional Transit Auth.**

Cuyahoga App. No. 101597, 2015-Ohio-1299.  
O'Donnell, J., dissents.

**2015-0787. In re A.A.W.**

Cuyahoga App. No. 101580, 2015-Ohio-1297.  
O'Connor, C.J., and Kennedy and O'Neill, JJ., dissent.

**2015-0788. State v. Dukes.**

Cuyahoga App. No. 101124, 2015-Ohio-676.  
O'Connor, C.J., and Pfeifer and Lanzinger, JJ., dissent and would hold the cause for the decision in 2014-1295, *State v. Baker*.

**2015-0790. In re H.P.**

Cuyahoga App. No. 101781, 2015-Ohio-1309.

**2015-0797. State v. Williams.**

Fairfield App. No. 14-CA-44, 2015-Ohio-1675.

**2015-0806. Templeman v. Kindred Healthcare, Inc.**

Cuyahoga App. No. 102836.

**2015-0807. Downing v. Downing.**

Erie App. No. E-13-044, 2015-Ohio-459.

Pfeifer, J., dissents.

**2015-0808. Dispatch Printing Co. v. Recovery Ltd. Partnership.**

Franklin App. Nos. 14AP-640, 14AP-641, and 14AP-642, 2015-Ohio-1368.

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

**2015-0810. Nash v. Cleveland Clinic Found.**

Cuyahoga App. No. 101389, 2015-Ohio-1376.

**2015-0811. Rebello v. Lender Processing Servs., Inc.**

Cuyahoga App. No. 101764, 2015-Ohio-1380.

French, J., dissents.

**2015-0813. Urbanic v. Urbanic.**

Montgomery App. No. 26309, 2015-Ohio-1402.

**2015-0814. State v. Graham.**

Cuyahoga App. No. 102670.

**2015-0816. State v. Feely.**

Licking App. No. 15CA0017.

**2015-0822. State v. Striks.**

Montgomery App. No. 26387, 2015-Ohio-1401.

O'Neill, J., dissents.

**2015-0823. S. Euclid v. Fayne.**

Cuyahoga App. No. 101610, 2015-Ohio-1378.

**2015-0828. Sheet Metal Workers Internatl. Assn. Local Union No. 33 v. Courtad, Inc.**

Stark App. No. 2014CA00143, 2015-Ohio-1439.

**2015-0829. State v. Meeks.**

Stark App. No. 2014CA00017, 2015-Ohio-1527.

O'Neill, J., dissents.

**2015-0904. State v. Love.**

Cuyahoga App. No. 102058, 2015-Ohio-1461.

Lanzinger, J., dissents.

**2015-0906. In re Estate of Britt.**

Columbiana App. No. 14 CO 20, 2015-Ohio-1605.

**2015-0923. Price v. KNL Custom Homes, Inc.**

Summit App. No. 26968, 2015-Ohio-436.

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

O'Neill, J., dissents.

**2015-0930. Tilton v. Dept. of Job & Family Servs.**

Ashland App. No. 14-COA-033, 2015-Ohio-1658.

**2015-0933. State v. Smith.**

Summit App. No. 26804, 2015-Ohio-579.

O'Neill, J., dissents.

**2015-0935. State v. Rafferty.**

Summit App. No. 26724, 2015-Ohio-1629.

French and O'Neill, JJ., dissent.

**2015-0938. Clayton v. Cleveland Clinic Found.**

Cuyahoga App. No. 101854, 2015-Ohio-1547.

**2015-0961. State v. Pellikan.**

Stark App. No. 2014CA00056, 2015-Ohio-1656.

**2015-0977. Rural Bldg. of Cincinnati, L.L.C. v. Evendale.**

Hamilton App. No. C-140404, 2015-Ohio-1614.

**2015-0980. State v. Cannon.**

Cuyahoga App. No. 101733.

**2015-1017. State v. Christian.**

Summit App. No. 27205, 2015-Ohio-1720.

**2015-1027. State v. Jirousek.**



Geauga App. No. 2014-G-3192, 2015-Ohio-949.

**2015-1038. State v. Ashby.**

Mahoning App. No. 2014 MA 80.

**2015-1266. State v. Knuckles.**

Summit App. No. 27571, 2015-Ohio-2840.

**2015-1291. State v. Gross.**

Muskingum App. No. CT 2015-0022.

**2015-1292. Bank of Am., N.A. v. Kenney.**

Hamilton App. No. C-140484, 2015-Ohio-2485.

**2015-1299. State v. Harris.**

Hamilton App. No. C-140615.

**2015-1304. Schwartz v. Fleisher.**

Hamilton App. No. C-140526.

**2015-1313. Banks v. Indep. Home Care, Inc.**

Franklin App. No. 15AP-572.

**2015-1326. Conneaut v. Buck.**

Ashtabula App. No. 2014-A-0053, 2015-Ohio-2593.

**2015-1351. State v. Wills.**

Allen App. No. 1-15-13.

**2015-1355. State v. Bullitt.**

Cuyahoga App. No. 100885, 2015-Ohio-3136.

**2015-1361. State v. Edwards.**

Ross App. No. 14CA3474, 2015-Ohio-3039.

**2015-1369. State v. Taylor.**

Lucas App. No. L-14-1188, 2015-Ohio-2946.

**2015-1387. State v. Harwell.**

Montgomery App. No. 25852, 2015-Ohio-2966. Motion to strike denied as moot.

**2015-1392. State v. Carrington.**  
Cuyahoga App. No. 100918, 2015-Ohio-2948.

**2015-1400. State v. Gavin.**  
Scioto App. No. 13CA3592, 2015-Ohio-2996.

**2015-1407. State v. Hopson.**  
Stark App. No. 2014CA00163, 2015-Ohio-2848.

**2015-1415. State v. Young.**  
Cuyahoga App. No. 102202, 2015-Ohio-2862.

**2015-1416. State v. Williamson.**  
Cuyahoga App. No. 102320, 2015-Ohio-4482.

**2015-1421. Campbell v. Schlegel.**  
Defiance App. No. 04-14-019, 2015-Ohio-2808.  
O’Neill, J., not participating.

**2015-1437. State v. Dodson.**  
Cuyahoga App. No. 102522.

**2015-1444. State v. Spann.**  
Cuyahoga App. No. 103249.

**2015-1450. Mays v. Toledo Hosp.**  
Lucas App. No. L-14-1230, 2015-Ohio-1865.

**2015-1451. State v. Singfield.**  
Summit App. No. 27680, 2015-Ohio-2841.

**2015-1466. State v. Castle.**  
Mahoning App. No. 15 MA 119.

**2015-1498. State v. Robinson.**  
Summit App. No. 27663, 2015-Ohio-3329.

**2015-1500. State v. Unsworth.**  
Lucas App. No. L-14-1238, 2015-Ohio-3197.

Lanzinger, J., not participating.

**2015-1506. State v. Phelps.**

Franklin App. No. 14AP-4.

**2015-1512. State v. Dowell.**

Cuyahoga App. No. 102408, 2015-Ohio-3237.

French, J., dissents.

**2015-1518. State v. Williams.**

Summit App. No. 27482, 2015-Ohio-2632.

Kennedy and O’Neill, JJ., dissent.

**2015-1521. State v. Hill.**

Stark App. No. 2015 CA 00041, 2015-Ohio-3311.

**2015-1535. In re L.J.**

Hamilton App. No. C-150314.

O’Neill, J., dissents.

**2015-1537. State v. Hilliard.**

Cuyahoga App. No. 102214, 2015-Ohio-3142.

**2015-1545. State v. Kronenberg.**

Cuyahoga App. No. 101403, 2015-Ohio-3224.

**2015-1552. State v. Ruffin.**

Stark App. No. 2014CA00137, 2015-Ohio-3496.

**RECONSIDERATION OF PRIOR DECISIONS**

**2015-0409. State v. O’Neill.**

Allen App. No. 1-14-21, 2015-Ohio-815. Reported at 143 Ohio St.3d 1464, 2015-Ohio-3733, 37 N.E.3d 1249. On motion for reconsideration. Motion denied.

O’Neill, J., dissents.

**2015-0547. State v. Richards.**

Athens App. No. 14CA1, 2015-Ohio-669. Reported at 143 Ohio St.3d 1465, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-0564. State v. Shafei.**

Butler App. Nos. CA2013-11-196, CA2014-03-072, and CA2014-05-102, 2015-Ohio-645. Reported at 143 Ohio St.3d 1465, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.

French, J., dissents.

**2015-0953. Coles v. I-Force & Mancor Industries.**

Montgomery App. No. 26385, 2015-Ohio-1040. Reported at 143 Ohio St.3d 1466, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.

**2015-0957. Affordable Hous., L.L.C. v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2014-3006 and 2014-3007. Reported at 143 Ohio St.3d 1453, 2015-Ohio-3538, 37 N.E.3d 168. On motion for reconsideration. Motion denied.

**2015-0958. Joseph v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2014-3008. Reported at 143 Ohio St.3d 1450, 2015-Ohio-3468, 36 N.E.3d 195. On motion for reconsideration. Motion denied.

**2015-0963. Green v. Clair.**

Summit App. No. 27467, 2015-Ohio-662. Reported at 143 Ohio St.3d 1466, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-0974. Ogle v. Ohio Power Co.**

Hocking App. No. 14CA15, 2015-Ohio-1724. Reported at 143 Ohio St.3d 1466, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.

**2015-0989. Mays v. Toledo Hosp.**

Lucas App. No. L-15-1114. Reported at 143 Ohio St.3d 1448, 2015-Ohio-3427, 36 N.E.3d 193. On motion for reconsideration. Motion denied. On motion to consolidate case with 2015-1450. Motion denied as moot.

**2015-1011. Bostic v. Davis.**

Franklin App. No. 14AP-635, 2015-Ohio-1968. Reported at 143 Ohio St.3d 1466, 2015-Ohio-3733, 37 N.E.3d 1250. On motion for reconsideration. Motion denied.