

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 16, 2015

[Cite as *12/16/2015 Case Announcements, 2015-Ohio-5225.*]

MERIT DECISIONS WITH OPINIONS

2014-1437. State ex rel. Ritzie v. Reece-Campbell, Inc., Slip Opinion No. 2015-Ohio-5224.

Franklin App. No. 13AP-669, 2014-Ohio-2782. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-1571. Gonzales v. DeWine.

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

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

2015-1609. State ex rel. Jackson v. Judges of Eleventh Appellate Dist.

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.

2015-1675. Weltman v. Williams.

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed. On relator's request for stay of proceedings. Request denied as moot.

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

2015-1738. Cassidy v. Gusweiler.

In Mandamus. On complaint in mandamus of Leo Cassidy. Upon consideration pursuant to S.Ct.Prac.R. 12.04, it is ordered by the court that this cause is dismissed.

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

MOTION AND PROCEDURAL RULINGS

2001-0314. State ex rel. Bristow v. Crawford Cty. Court of Common Pleas.

In Prohibition. On motion to vacate and/or modify prefiling restriction. Motion denied.

2014-1319. State ex rel. Beltowski v. Smith.

In Prohibition. On motion of relator for an order for respondent Sandusky County Juvenile Court to show cause why it should not be held in contempt. Motion denied.

2015-0501. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-2483. On motion to dismiss. Motion granted.

2015-0791. Notestine Manor, Inc. v. Logan Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-2543. On motion of Notestine Manor, Inc., to strike school board's merit brief. Motion granted.

O'Donnell, J., dissents.

2015-1597. State ex rel. Carnail v. Davis.

In Mandamus. On complaint in mandamus of E'Yen Carnail.

Upon consideration thereof, it is ordered by the court, sua sponte, that an alternative writ is granted and 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 10 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 7 days after the filing of respondent's brief.

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

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

2015-1650. Lakota v. Ashtabula.

Ashtabula App. No. 2015-A-0010, 2015-Ohio-3413. On motion to stay execution of court of appeals' judgment. Motion denied.

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

2015-1703. State v. Cargle.

Scioto App. No. 14CA3661, 2015-Ohio-3629. On motion for leave to file delayed appeal. Motion granted.

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

2015-1723. State v. Owensby.

Montgomery App. No. 26247, 2015-Ohio-3054. On motion for leave to file delayed appeal. Motion denied.

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

2015-1728. State v. Tyson.

Marion App. No. 9-14-49, 2015-Ohio-3530. 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'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent.

2015-1734. State v. Madison.

Cuyahoga App. No. 101478, 2015-Ohio-4365. On motion for immediate stay of execution of court of appeals' judgment. Motion denied.

Lanzinger and French, JJ., dissent.

2015-1782. State v. Shalash.

Warren App. No. CA2014-12-146, 2015-Ohio-3836. 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' decision and judgment dated October 22, 2015:

“The question certified is whether ‘controlled substance analogs’ were criminalized as of October 17, 2011, the effective date of House Bill 64.”

The conflict cases are *State v. Smith*, 10th Dist. Franklin Nos. 14AP-154 and 14AP-155, 2014-Ohio-5303, *State v. Mohammad*, 10th Dist. Franklin No. 14AP-662, 2015-Ohio-1234, and *State v. Mobarek*, 10th Dist. Franklin No. 14AP-517, 2015-Ohio-3007.

Pfeifer, J., dissents.

2015-1897. State v. Morefield.

Clark App. No. 2015-CA-4, 2015-Ohio-4713. On motion for stay of execution of appellate court judgment. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2015-1127. Burnham v. Cleveland Clinic.

Cuyahoga App. No. 102038, 2015-Ohio-2044.

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

2015-1137. State v. Jackson.

Hamilton App. No. C-140384, 2015-Ohio-2171.

Pfeifer and O'Neill, JJ., dissent.

2015-1170. Beaver v. Ohio State Racing Comm.

Franklin App. No. 14AP-681, 2015-Ohio-1433.

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

APPEALS NOT ACCEPTED FOR REVIEW

2015-1018. Mullins v. Comprehensive Pediatric & Adult Medicine, Inc.

Mahoning App. No. 12 MA 190, 2015-Ohio-1773.

O'Neill, J., dissents.

2015-1032. Huntington Natl. Bank v. Dixon.

Cuyahoga App. No. 101273, 2015-Ohio-1735.

2015-1045. Caghan v. Caghan.

Stark App. No. 2014 CA 00094, 2015-Ohio-1787.

2015-1047. State v. Han.

Stark App. No. 2014CA00150, 2015-Ohio-1907.

Kennedy, J., dissents.

2015-1050. Rooney v. Rooney.

Stark App. No. 2014CA00165, 2015-Ohio-1852.

2015-1051. State v. Drummond.

Ashtabula App. No. 2013-A-0055, 2015-Ohio-939.

2015-1055. Rodefer v. Colbert.

Darke App. No. 2014-CA-3, 2015-Ohio-1982.

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

O'Neill, J., dissents.

2015-1057. Vlcek v. Chodkowski.

Montgomery App. No. 26078, 2015-Ohio-1943.

Kennedy, J., dissents.

2015-1060. State v. Norwood.

Hamilton App. No. C-140677.

2015-1061. State v. Robertson.

Henry App. No. 7-14-16, 2015-Ohio-1758.

2015-1066. Richmond v. Evans.

Cuyahoga App. No. 101269, 2015-Ohio-870.

2015-1078. State v. Patton.

Lucas App. No. L-12-1356, 2015-Ohio-1866.

2015-1083. State v. McFeeture.

Cuyahoga App. No. 100434, 2015-Ohio-1814.

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

2015-1087. Gibsonburg Health, L.L.C. v. Minieta.

Sandusky App. No. S-14-023, 2015-Ohio-1863.

2015-1106. State v. Brelo.

Cuyahoga App. No. 103081.

Pfeifer and O'Donnell, JJ., dissent.

2015-1108. State v. Miller.

Hamilton App. No. C-140101.

2015-1114. Gallo v. Gallo.

Franklin App. No. 14AP-179, 2015-Ohio-982.

2015-1115. Mohn v. Ashland Cty. Chief Med. Examiner.

Ashland App. No. 14-COA-031, 2015-Ohio-1985.

Pfeifer and O'Donnell, JJ., dissent.

2015-1117. State v. Marshall.

Richland App. No. 14 CA 37, 2015-Ohio-1986.

O'Neill, J., dissents.

2015-1119. State v. Webber.

Cuyahoga App. No. 101875, 2015-Ohio-1953.

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

Pfeifer and French, JJ., dissent.

2015-1126. State v. Howard.

Stark App. No. 2014CA00136, 2015-Ohio-2053.

2015-1131. State ex rel. Santefort v. Wayne Twp. Bd. of Trustees.

Butler App. No. CA2014-07-153, 2015-Ohio-2009.

Kennedy, J., dissents.

2015-1132. Schaefer v. Jim Brown, Inc.

Lake App. No. 2014-L-073, 2015-Ohio-1994.

2015-1135. In re A.H.

Clark App. No. 2014-CA-146, 2015-Ohio-2174.

2015-1136. State v. Johnson.

Cuyahoga App. No. 101993, 2015-Ohio-1649.

2015-1138. LaBorde v. Gahanna.

Franklin App. Nos. 14AP-764 and 14AP-806, 2015-Ohio-2047. Appeal and second appeal not accepted.

O'Donnell, J., dissents and would accept the appeal.

Kennedy, J., dissents.

2015-1139. Powell v. Wal-Mart Stores, Inc.
Cuyahoga App. No. 101662, 2015-Ohio-2035.
O’Neill, J., dissents.

2015-1142. State v. McKinney.
Cuyahoga App. No. 101674, 2015-Ohio-2036.

2015-1143. State v. Williams.
Cuyahoga App. No. 101885, 2015-Ohio-2041.

2015-1152. State v. Taylor.
Lake App. No. 2014-L-115, 2015-Ohio-2080.
O’Neill, J., dissents.

2015-1156. Jones v. Masters.
Summit App. No. 27000, 2015-Ohio-993.
O’Donnell and Kennedy, JJ., dissent.

2015-1158. State v. Schidecker.
Montgomery App. No. 26334, 2015-Ohio-1400.

2015-1159. State v. Malone.
Cuyahoga App. No. 101305, 2015-Ohio-2150.
Pfeifer, J., dissents.

2015-1160. State v. Jones.
Cuyahoga App. No. 101514, 2015-Ohio-2151.

2015-1173. State ex rel. Grady v. Chesterhill.
Morgan App. No. 14AP0006, 2015-Ohio-2216.
Pfeifer and O’Donnell, JJ., dissent.

2015-1176. Sims v. Marren.
Ottawa App. No. OT-14-035, 2015-Ohio-2232.

2015-1179. Vidovic v. Hoynes.
Lake App. No. 2014-L-054, 2015-Ohio-712.
Pfeifer and O’Donnell, JJ., dissent.

2015-1180. State v. Long.

Hamilton App. No. C-1400398.

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

2015-1184. State v. Marneros.

Cuyahoga App. Nos. 101872 and 101873, 2015-Ohio-2156. Appeal and cross-appeal not accepted.

2015-1190. State v. Scott.

Cuyahoga App. No. 102301, 2015-Ohio-2161.

2015-1194. State ex rel. DeWine v. Deer Lake Mobile Park, Inc.

Geauga App. No. 2013-G-3156, 2015-Ohio-1060.

O'Donnell, J., dissents.

2015-1202. State v. Trzeciak.

Brown App. No. CA2014-06-010, 2015-Ohio-2219.

2015-1207. State v. Jamerson.

Tuscarawas App. No. 2014 AP 09 0034, 2015-Ohio-2284.

2015-1213. Dinardo v. State.

Lake App. No. 2013-L-108, 2015-Ohio-1061.

2015-1214. Schneidmiller v. Rapp.

Mahoning App. No. 14 MA 23.

O'Donnell and French, JJ., dissent.

2015-1215. Cunningham v. Allied Fabricating & Welding Co., Inc.

Franklin App. No. 14AP-637.

2015-1219. State v. Schulz.

Summit App. No. 26875, 2015-Ohio-2252.

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

2015-1227. State v. Newland.

Franklin App. No. 14AP-959, 2015-Ohio-2358.

Kennedy and French, JJ., dissent.

2015-1228. State v. Crockett.

Franklin App. Nos. 14AP-242 and 14AP-248, 2015-Ohio-2351.
French, J., dissents.

2015-1231. State v. Deeb.

Erie App. No. E-14-117, 2015-Ohio-2442.

2015-1232. Peters v. Tipton.

Harrison App. No. 13 HA 10, 2015-Ohio-3307.

2015-1274. Beckwith v. State.

Cuyahoga App. No. 101695, 2015-Ohio-1030.

French, J., dissents and would reverse the cause and remand to the trial court for application of *State v. C.K.*, Slip Opinion No. 2015-Ohio-3427.

2015-1320. State v. Oliver.

Mahoning App. No. 12 MA 212, 2015-Ohio-2684.

Kennedy, J., dissents and would accept the cause on Proposition of Law No. III.

2015-1331. State v. Harris.

Mahoning App. No. 13 MA 37, 2015-Ohio-2686.

French, J., dissents.

2015-1546. State v. Williams.

Delaware App. No. 14CAA100064, 2015-Ohio-3245.

2015-1573. State v. McDuffie.

Cuyahoga App. No. 100826, 2015-Ohio-3223.

2015-1577. McMasters v. Green.

Montgomery App. No. 26563.

2015-1580. State v. Littlepage.

Hamilton App. No. C-140574.

2015-1586. State v. Lewis.

Cuyahoga App. No. 103300.

2015-1602. State v. Bell.

Hamilton App. No. C-150484.

2015-1603. State v. Applegate.

Tuscarawas App. No. 2015 AP 07 0044.

2015-1614. State v. Howard.

Cuyahoga App. No. 103337.

2015-1621. State v. Royster.

Montgomery App. No. 25870, 2015-Ohio-3608.

2015-1656. Fischer v. Kent State Univ.

Franklin App. No. 14AP-789, 2015-Ohio-3569.

2015-1657. State v. Martin.

Franklin App. No. 15AP-506.

2015-1672. State v. Dixon.

Montgomery App. No. 26753.

2015-1698. State v. Haschenburger.

Mahoning App. No. 15 MA 68.

2015-1713. State v. Ramallo.

Lucas App. No. L-14-1026, 2015-Ohio-1792.

2015-1716. In re A.C.

Cuyahoga App. No. 102351, 2015-Ohio-3673.

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

2015-1735. State v. Dixon.

Montgomery App. No. 26676.

2015-1760. State v. Ralios.

Medina App. No. 14CA0030-M, 2015-Ohio-1337.