

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

4/20/2016

[Cite as *04/20/2016 Case Announcements*, 2016-Ohio-1596.]

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## MERIT DECISIONS WITH OPINIONS

**2011-0857. State v. Obermiller, Slip Opinion No. 2016-Ohio-1594.**

Cuyahoga C.P. No. CR-10-542119-A. Judgment affirmed.

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

Pfeifer, J., concurs in part and dissents in part with an opinion.

O'Neill, J., concurs in part and dissents in part with an opinion in which Pfeifer, J., joins in part.

**2012-0902. State v. Belton, Slip Opinion No. 2016-Ohio-1581.**

Lucas C.P. No. CR200802934. Judgment affirmed.

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

O'Neill, J., concurs in part and dissents in part.

**2014-0718. State v. Arnold, Slip Opinion No. 2016-Ohio-1595.**

Seneca App. No. 13-13-27, 2014-Ohio-1134. Judgment affirmed.

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

French, J., concurs in judgment with an opinion.

O'Donnell, J., dissents with an opinion.

Lanzinger, J., dissents with an opinion.

O'Neill, J., dissents with an opinion.

**2015-1001. Disciplinary Counsel v. Thomas, Slip Opinion No. 2016-Ohio-1582.**

On Certified Report by the Board of Professional Conduct, No. 2014-081. James William Thomas Jr., Attorney Registration No. 0074051, is hereby indefinitely suspended from the practice of law in Ohio.

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

O'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent and would permanently disbar the respondent.

**2015-1635. Disciplinary Counsel v. Rosenfield, Slip Opinion No. 2016-Ohio-1583.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2014-111. Ronald Lee Rosenfield, Attorney Registration No. 0021093, is hereby indefinitely suspended from the practice of law in Ohio, with no credit for time served under interim felony suspension.

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

O'Neill, J., dissents and would grant the respondent credit for time served under interim felony suspension.

**2015-1636. Geauga Cty. Bar Assn. v. Bond, Slip Opinion No. 2016-Ohio-1587.**

On Certified Report by the Board of Professional Conduct, No. 2015-014. Daniel Earl Bond, Attorney Registration No. 0003004, is hereby publicly reprimanded.

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

O'Neill, J., dissents, and would dismiss the cause.

**2015-1639. Disciplinary Counsel v. Smith, Slip Opinion No. 2016-Ohio-1584.**

On Certified Report by the Board of Professional Conduct, No. 2015-023. Kierra Loree Smith, Attorney Registration No. 0083862, is hereby publicly reprimanded.

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

**MERIT DECISIONS WITHOUT OPINIONS**

**2015-1598. State ex rel. Kraus v. Rosenberger.**

In Quo Warranto. On motion to dismiss. Motion granted. On motion to strike motion to dismiss. Motion denied. On motion for leave to file amended complaint. Motion denied. Cause dismissed.

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

O'Neill, J., dissents and would deny the motion to dismiss, grant the motion for leave to file an amended complaint, and grant an alternative writ.

**2015-1751. State ex rel. Farnsworth Hill Co., L.L.C. v. Fuerst.**

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.

**2015-1903. State ex rel. Wolfe v. Second 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.

**2015-1982. Stevenson v. Rogers.**

In Mandamus. On complaint in mandamus of Robert Stevenson. 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.

**2015-2060. State ex rel. Meyers v. Stupica.**

In Prohibition. On answer of respondent Judge Terri L. Stupica. On motion to dismiss of James M. Gillette. Motion granted. On motion to dismiss the state of Ohio. Motion granted. On motion for leave to supplement the record for state/federal appellate court review. Motion denied. On motion to stay proceedings. Motion denied.

Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.  
O'Connor, C.J., not participating.

**2015-2075. State ex rel. Reeves v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. On complaint in mandamus of William J. Reeves. 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.

**2016-0016. Anderson v. Coleman.**

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.

**2016-0038. State ex rel. McDuffie v. Saffold.**

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.

**2016-0040. Case v. Myers.**

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.

**2016-0062. State ex rel. Brooks v. Saffold.**

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.

**2016-0075. State ex rel. Bloodworth v. Piper.**

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

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

**2016-0077. Harper v. Styer.**

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.

It is further ordered by the court, sua sponte, that Henry N. Harper is found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, it is ordered by the court that Henry N. Harper is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

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

Lanzinger and Kennedy, JJ., dissent.

**2016-0078. Foster v. Ohio Dept. of Rehab. & Corr.**

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.

**2016-0115. State ex rel. Evans v. Clerk, Ohio Court of Claims.**

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.

**2016-0125. Hansen v. State.**

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.

**2016-0135. Johnson v. State.**

In Procedendo. On complaint in procedendo of Ronald G. Johnson. 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.

**2016-0156. State ex rel. Lightfoot v. Van Horn.**

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

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

**2016-0173. State ex rel. Harris v. Bracy.**

In Mandamus. On complaint in mandamus of Dwayne Harris. 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.

It is further ordered that respondents' motion to declare relator a vexatious litigator is granted. Dwayne Harris is found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, it is ordered by the court that Dwayne Harris is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

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

Kennedy, J., dissents.

**2016-0178. State ex rel. Bloodworth v. Powell.**

In Mandamus. On motion to dismiss of respondent Twelfth District Court of Appeals. Motion granted. Cause dismissed.

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

On motion to have relator declared a vexatious litigator pursuant to S.Ct.Prac.R. 4.03(B). Motion denied. On motion to strike. Motion denied as moot.

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

**2016-0193. Johnson v. Clerk of Courts.**

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.

**2016-0196. Johnson v. Ohio Dept. of Rehab. & Corr.**

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.

**2016-0198. Reece v. Singer.**

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.

## **MOTION AND PROCEDURAL RULINGS**

**2015-0390. State ex rel. Cincinnati Enquirer v. Ohio Dept. of Pub. Safety.**

In Mandamus. On request for oral argument. Request granted.

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

**2015-0393. Anderson v. State.**

Miscellaneous case. On "motion to prevent the miscarriage of justice." Motion denied.

**2015-0460. Dana Corp. v. Testa.**

Board of Tax Appeals, No. 2011-2287. On motion to dismiss tax commissioner for lack of standing. Motion granted in part and denied in part. The tax commissioner lacks standing to advance an affirmative challenge to the decision of the Board of Tax Appeals by way of cross-appeal, and to that extent the cross-appeal is dismissed. But the tax commissioner may assert by cross-appeal

alternative grounds for affirmance of the decision below, and accordingly the motion to dismiss is denied to the extent that the cross-appeal is purely protective.

O'Donnell, J., dissents.

**2015-1074. State ex rel. Ohio Presbyterian Retirement Servs., Inc. v. Indus. Comm.**

Franklin App. No. 14AP-624, 2015-Ohio-2122. On request for oral argument. Request denied.

**2015-1222. State ex rel. Cincinnati Enquirer v. Deters.**

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

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

**2015-1514. State v. Henry.**

Crawford App. No. 3-15-01. On motion to stay. Motion denied.

**2015-1858. In re Estate of Cvanciger.**

Lake App. No. 2014-L-095, 2015-Ohio-4318. On motion to strike. Motion denied. Appellant shall immediately serve a copy of the notice of appeal and memorandum in support of jurisdiction on the appellee. Appellee may file a memorandum in response to jurisdiction within 30 days of the date of this entry.

On motion for sanctions for frivolous action. Motion denied.

O'Donnell and Lanzinger, JJ., dissent and would grant the motion to strike.

**2016-0166. Richland Carrousel Park, Inc. v. Testa.**

Board of Tax Appeals, No. 2014-4090. On motion to dismiss for want of jurisdiction. Motion granted. The court finds that appellant failed to serve its notice of appeal by certified mail as expressly required by R.C. 5717.04. The tax commissioner has not waived his right to certified-mail service. Appeal dismissed for lack of jurisdiction.

Pfeifer, J., dissents.

**2016-0175. State v. Bell.**

Lake App. No. 2015-L-017, 2015-Ohio-4775. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2016-0197. State v. Choate.**

Summit App. No. 27612, 2015-Ohio-4972. On motion for leave to file delayed appeal. Motion denied.

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

**2016-0201. State v. Mustafa.**

Franklin App. Nos. 15AP-465 and 15AP-466, 2015-Ohio-5370. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2016-0179, *State v. Mustafa*, and held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2016-0211. State v. McGowan.**

Ashtabula App. No. 2015-A-0015, 2015-Ohio-4430. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

**2016-0220. State v. O'Neal.**

Medina App. No. 15CA0052-M, 2015-Ohio-5181. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2016-0222. State v. Becraft.**

Clark App. No. 2013-CA-54, 2015-Ohio-3911. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and Kennedy, JJ., dissent.

**2016-0226. State v. James.**

Cuyahoga App. No. 102604, 2015-Ohio-4987. On motion for leave to file delayed appeal. Motion granted.

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

**2016-0232. State v. Huhn.**

Perry App. No. 15-CA-00006, 2015-Ohio-4929. On motion for leave to file delayed appeal. Motion denied.

**2016-0236. State v. Harris.**

Franklin App. No. 15AP-141, 2015-Ohio-4961. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and O'Neill, JJ., dissent.



**2016-0254. State v. Black.**

Hamilton App. No. C-130327. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and O’Neill, JJ., dissent.

**2016-0277. State v. Callender.**

Franklin App. No. 15AP-15, 2015-Ohio-4255. On motion for leave to file delayed appeal. Motion denied.

**2016-0280. State v. Boone.**

Lucas App. No. L-14-1145, 2015-Ohio-2944. On motion for leave to file delayed appeal. Motion denied.

**2016-0289. State v. English.**

Montgomery App. No. 26337, 2015-Ohio-1665. On motion for leave to file delayed appeal. Motion denied.

**2016-0300. State v. Bertuzzi.**

Marion App. No. 9-15-01. On motion for leave to file delayed appeal. Motion denied.

**2016-0308. State v. Irby.**

Trumbull App. No. 2015-T-0018, 2015-Ohio-5467. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

**2016-0323. State v. Warren.**

Cuyahoga App. No. 101469, 2015-Ohio-604. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

**2016-0331. In re Adoption of A.N.W.**

Belmont App. No. 15 BE 0071, 2016-Ohio-463. On motion for stay of court of appeals’ judgment. Motion denied.

**2016-0358. State v. Baker.**

Montgomery App. No. 26703, 2016-Ohio-315. On motion to stay the court of appeals’ January 29, 2016 decision and maintain that court’s stay of sentence. Motion denied.

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

**2016-0377. State v. Hucks.**

Ross App. No. 15CA3488, 2016-Ohio-323. On motion to stay execution of sentence. Motion denied.

Lanzinger and O’Neill, JJ., dissent.

**2016-0395. In re C.C.S.**

Franklin App. No. 15AP-884, 2016-Ohio-388. On motion for stay of adoption proceedings. Motion granted.

**APPEALS ACCEPTED FOR REVIEW**

**2016-0118. State v. Jackson.**

Summit App. No. 27133, 2015-Ohio-5246. Discretionary appeal accepted on Proposition of Law No. I only. Cause held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

**2016-0179. State v. Mustafa.**

Franklin App. Nos. 15AP-465 and 15AP-466, 2015-Ohio-5370. Discretionary appeal accepted on Proposition of Law No. II only. Sua sponte, cause consolidated with 2016-0201, *State v. Mustafa*, and held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

Kennedy, French, and O’Neill, JJ., would accept the cause on all Propositions of Law.

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

**2016-0353. In re A.J.**

Crawford App. No. 3-15-12, 2016-Ohio-248.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2015-2068. State v. Farmer.**

Cuyahoga App. No. 102552, 2015-Ohio-4676.

**2015-2077. U.S. Bank, N.A. v. Wilkens.**

Cuyahoga App. No. 103168.

**2015-2083. Nist v. Nexeo Solutions, L.L.C.**  
Franklin App. No. 14AP-854, 2015-Ohio-3363.  
Pfeifer and O’Neill, JJ., dissent.

**2015-2087. State v. Andrews.**  
Lake App. No. 2015-L-042, 2015-Ohio-4638. Motion for default judgment and/or demand for final order denied as moot.

**2015-2089. State v. Long.**  
Lake App. No. 2013-L-102.

**2015-2090. Great Water Capital Partners, L.L.C. v. Down-lite Internatl., Inc.**  
Hamilton App. No. C-150015, 2015-Ohio-4877.

**2015-2096. State v. Wine.**  
Auglaize App. No. 2-15-07, 2015-Ohio-4726.

**2015-2098. State v. Tango.**  
Cuyahoga App. No. 102208, 2015-Ohio-5133.

**2015-2099. Cook v. Ohio Dept. of Job & Family Servs.**  
Franklin App. Nos. 14AP-852 and 14AP-853.  
O’Donnell, J., dissents.

**2015-2100. Polaris Owners Assn., Inc. v. Solomon Oil Co.**  
Delaware App. No. 14 CAE 11 0075, 2015-Ohio-4948.  
French, J., dissents.

**2015-2101. Fabish v. Harnak.**  
Delaware App. No. 15 CAG 04 0036, 2015-Ohio-4777.

**2015-2104. State v. Benson.**  
Cuyahoga App. No. 101669.

**2015-2110. State v. Swift.**  
Geauga App. No. 2014-G-3245, 2015-Ohio-4773.

**2016-0001. State v. Bossler.**  
Stark App. No. 2015CA00192.

**2016-0002. State v. Breneman.**

Champaign App. No. 2013-CA-27, 2015-Ohio-4783.

**2016-0005. Caterpillar Fin. Servs. Corp. v. Harold Tatman & Son's, Ents., Inc.**

Ross App. No. 14CA3449, 2015-Ohio-4884.

O'Donnell, J., dissents.

**2016-0006. State v. Sowell.**

Cuyahoga App. No. 102752, 2015-Ohio-4770.

**2016-0008. In re Guardianship of Bolog.**

Stark App. No. 2015CA00016, 2015-Ohio-4095.

**2016-0009. State v. Blake.**

Cuyahoga App. No. 102420, 2015-Ohio-4762.

O'Donnell, J., dissents.

**2016-0011. Soberay v. Greyhound Lines, Inc.**

Cuyahoga App. No. 103749.

O'Donnell, J., dissents.

**2016-0017. Settler's Walk Home Owners Assn. v. Phoenix Settlers Walk, Inc.**

Warren App. Nos. CA2014-09-116, CA2014-09-117, and CA2014-09-118, 2015-Ohio-4821.

Kennedy, J., dissents.

**2016-0018. Dietrich v. Dobos.**

Franklin App. No. 15AP-2, 2015-Ohio-4866.

O'Neill, J., dissents.

**2016-0019. Carbone v. Sericola.**

Trumbull App. No. 2014-T-0109, 2015-Ohio-4025.

**2016-0022. State v. Hoover-Moore.**

Franklin App. No. 14AP-1049, 2015-Ohio-4863.

Pfeifer, J., dissents.

**2016-0023. State v. Clark.**

Highland App. No. 14CA20, 2015-Ohio-5003.  
O'Donnell and Lanzinger, JJ., dissent.

**2016-0026. Rohrer v. State.**

Franklin App. No. 15AP-697, 2015-Ohio-4872.

**2016-0028. State v. Finnell.**

Hamilton App. Nos. C-140547 and C-140548, 2015-Ohio-4842.

**2016-0035. State v. Davis.**

Medina App. No. 15CA0004-M, 2015-Ohio-5182.

**2016-0036. State v. Gates.**

Fairfield App. No. 14-CA-60, 2015-Ohio-4950.

**2016-0044. State v. Brantley.**

Lorain App. No. 15CA010853.

**2016-0045. State v. Sims.**

Hamilton App. Nos. C-150252 and C-150253, 2015-Ohio-4996.  
French and O'Neill, JJ., dissent.

**2016-0047. State v. Hamberg.**

Hamilton App. No. C-140536, 2015-Ohio-5074.  
O'Donnell, Kennedy, and O'Neill, JJ., dissent.

**2016-0048. In re A.M.**

Athens App. No. 14CA49, 2015-Ohio-5610.  
O'Neill, J., dissents.

**2016-0055. State v. Workman.**

Auglaize App. No. 2-15-05, 2015-Ohio-5049.

**2016-0058. State v. Feagin.**

Richland App. No. 15CA41, 2015-Ohio-5107.

**2016-0059. State v. Mapp.**

Union App. No. 14-15-24.

**2016-0060. State v. Reyes.**

Portage App. No. 2015-P-0009, 2015-Ohio-5344.

**2016-0066. State v. Banks.**

Seneca App. No. 13-15-33.

**2016-0067. Rayess v. Staton.**

Montgomery App. No. 26683, 2015-Ohio-5169. Motion to consolidate denied.

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

**2016-0068. State v. Hopson.**

Stark App. No. 2014CA00163, 2015-Ohio-2848.

**2016-0072. State v. Moss.**

Fairfield App. No. 14-CA-52, 2015-Ohio-3466.

**2016-0082. State v. Murphy.**

Stark App. No. 2015CA00024, 2015-Ohio-5108.

**2016-0087. State v. Armstead.**

Montgomery App. No. CA 26640, 2015-Ohio-5010.

O'Donnell and Kennedy, JJ., dissent.

**2016-0093. State v. Caraballo.**

Cuyahoga App. No. 103771.

**2016-0095. State v. Conn.**

Warren App. No. CA2015-05-045, 2015-Ohio-5037.

**2016-0097. State v. McClure.**

Clermont App. No. CA2015-06-045, 2015-Ohio-5203.

**2016-0098. Yidi, L.L.C. v. JHB Hotel, L.L.C.**

Cuyahoga App. No. 103630.

**2016-0101. State v. N.D.C.**

Franklin App. No. 15AP-63, 2015-Ohio-3643.

O'Neill, J., dissents.

**2016-0109. In re R.R.**

Summit App. No. 27572, 2015-Ohio-5245.

French, J., dissents.

**2016-0112. State v. Jackson.**

Summit App. No. 27479, 2015-Ohio-5096.

**2016-0114. State v. Kelly.**

Cuyahoga App. No. 102413, 2015-Ohio-5272.

**2016-0116. State v. Kinder.**

Cuyahoga App. No. 103847.

**2016-0117. Johnson v. Jefferson Industries Corp.**

Madison App. No. CA2015-06-019, 2015-Ohio-5035.

O'Neill, J., dissents.

**2016-0119. State v. Howard.**

Knox App. No. 15 CA 18.

**2016-0121. State v. Bulls.**

Summit App. No. 27713, 2015-Ohio-5094.

**2016-0123. State v. Henry.**

Summit App. No. 27392, 2015-Ohio-5095.

O'Neill, J., dissents and would accept the appeal and hold the cause for decision in 2015-1892, *State v. Rahab*.

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

**2016-0127. State v. Jackson.**

Summit App. No. 27132, 2015-Ohio-5246.

O'Connor, C.J., and O'Donnell and O'Neill, JJ., dissent and would accept the appeal on Proposition of Law No. I only and hold the cause for decision in 2015-1782, *State v. Shalash*.

**2016-0128. State v. Ferguson.**

Lake App. No. 2015-L-031, 2015-Ohio-5217.

**2016-0130. State v. Jackson.**

Montgomery App. No. 26050, 2015-Ohio-5490.

**2016-0132. State v. Everett.**

Hamilton App. No. C-140275, 2015-Ohio-5273.

**2016-0139. State v. Congress.**

Cuyahoga App. No. 102867, 2015-Ohio-5264.

**2016-0140. State v. Smith.**

Cuyahoga App. No. 102893, 2015-Ohio-5265.

Kennedy, French, and O’Neill, JJ., dissent and would accept the appeal, vacate the decision, and remand the cause for application of *State v. Leak*, 145 Ohio St.3d 165, 2016-Ohio-154, 47 N.E.3d 821.

**2016-0143. State v. DePina.**

Stark App. No. 2014CA00091, 2015-Ohio-2254.

O’Neill, J., dissents.

**2016-0148. State v. Hoston.**

Cuyahoga App. No. 102730, 2015-Ohio-5422.

**2016-0151. State v. Sebestyen.**

Medina App. No. 15CA0054-M.

**2016-0153. State v. Gibson.**

Cuyahoga App. No. 102704, 2015-Ohio-5258.

**2016-0158. State v. Mote.**

Mercer App. No. 10-15-05, 2015-Ohio-3715.

**2016-0161. State v. Mills.**

Montgomery App. No. 26619, 2015-Ohio-5385.

O’Donnell, J., dissents.

**2016-0165. State v. Beechler.**

Clark App. No. 2014-CA-139, 2015-Ohio-4106.

**2016-0209. State v. Grable.**

Clark App. No. 2014-CA-52.



**2016-0229. State v. Myers.**  
Wood App. No. WD-13-048.

**2016-0235. State v. Chavis.**  
Franklin App. No. 15AP-557, 2015-Ohio-5549.

**2016-0237. State v. Pyles.**  
Mahoning App. No. 13 MA 22, 2015-Ohio-5594.

**2016-0276. State v. Quinn.**  
Clark App. No. 2014-CA-95, 2016-Ohio-140.

**2016-0278. State v. Quinn.**  
Clark App. No. 2014-CA-44, 2016-Ohio-139.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2014-0358. Lycan v. Cleveland.**  
Cuyahoga App. No. 99698, 2014-Ohio-203. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-422, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion fails for want of four votes.

O'Connor, C.J., and Lanzinger and Kennedy, JJ., dissent.  
O'Donnell, J., not participating.

**2014-0828. Rite Aid of Ohio, Inc. v. Washington Cty. Bd. of Revision.**  
Board of Tax Appeals, No. 2011-1760. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-371, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2015-1539. Pratt v. Easton Technical Prods., Inc.**  
Stark App. No. 2014CA00144, 2015-Ohio-3180. Reported at 144 Ohio St.3d 1476, 2016-Ohio-467, 45 N.E.3d 244. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

**2015-1585. Federman v. Christ Hosp.**  
Hamilton App. No. C-140495. Reported at 144 Ohio St.3d 1477, 2016-Ohio-467, 45 N.E.3d 244. On motion for reconsideration. Motion denied.

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

**2015-1591. In re Grand Jury Proceedings State v. Doe.**

Mahoning App. No. 14 MA 73. Reported at 144 Ohio St.3d 1477, 2016-Ohio-467, 45 N.E.3d 244. On motion for reconsideration. Motion denied.

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

**2015-1605. RAE Assocs., Inc. v. Nexus Communications, Inc.**

Franklin App. No. 14AP-482, 2015-Ohio-2166. Reported at 144 Ohio St.3d 1477, 2016-Ohio-467, 45 N.E.3d 244. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

**2015-1625. Jacobs v. Cuyahoga Metro. Hous. Auth.**

Cuyahoga App. No. 102248, 2015-Ohio-2278. Reported at 144 Ohio St.3d 1478, 2016-Ohio-467, 45 N.E.3d 245. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-1627. Toman v. State Farm Mut. Auto. Ins. Co.**

Cuyahoga App. No. 102483, 2015-Ohio-3351. Reported at 144 Ohio St.3d 1478, 2016-Ohio-467, 45 N.E.3d 245. On motion for reconsideration. Motion denied.

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

**2015-1650. Lakota v. Ashtabula.**

Ashtabula App. No. 2015-A-0010, 2015-Ohio-3413. Reported at 144 Ohio St.3d 1478, 2016-Ohio-467, 45 N.E.3d 245. On motion for reconsideration. Motion denied.

O'Donnell and French, JJ., dissent and would grant the motion and hold the cause for decision in 2014-2079, *Baker v. Wayne Cty.*

Kennedy, J., dissents.

**2015-1833. State v. Meyers.**

Geauga App. Nos. 2015-G-0005, 2015-G-0006, and 2015-G-0007, 2015-Ohio-4238. Reported at 144 Ohio St.3d 1479, 2016-Ohio-467, 45 N.E.3d 245. On motion for leave to supplement the record for state/federal appellate court review. Motion denied. On motion for reconsideration. Motion denied.

**2015-1853. State ex rel. Andrews v. Cicconetti.**

In Procedendo. Reported at 144 Ohio St.3d 1473, 2016-Ohio-467, 45 N.E.3d 241. On motion for reconsideration. Motion denied.

**2015-1943. Thomas v. Lake Cty. Court of Common Pleas, Juvenile Div.**

In Prohibition. Reported at 144 Ohio St.3d 1473, 2016-Ohio-467, 45 N.E.3d 242. On motion for reconsideration. Motion denied. On motion to strike and demand to hold respondents' attorneys in contempt. Motion denied.

**2015-1954. State v. Goff.**

Clinton App. No. CA2015-08-017. Reported at 144 Ohio St.3d 1472, 2016-Ohio-457, 45 N.E.3d 240. On motion for reconsideration. Motion granted. Appellant's motion for stay filed December 8, 2015, is treated as a brief on the merits for purposes of the instant appeal, the court of appeals' November 15, 2015 judgment denying appellant a stay of execution is reversed, and execution of appellant's sentence is stayed pending final disposition of his direct appeal currently pending before the court of appeals.