

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 20, 2016

[Cite as *01/20/2016 Case Announcements*, 2016-Ohio-172.]

MERIT DECISIONS WITH OPINIONS

2014-1273. State v. Leak, Slip Opinion No. 2016-Ohio-154.

Richland App. No. 13CA72, 2014-Ohio-2492. Judgment reversed.

Lanzinger, Kennedy, and O’Neill, JJ., concur.

French, J., concurs in judgment only.

O’Connor, C.J., and Pfeifer and O’Donnell, JJ., dissent and would dismiss the cause as improvidently allowed.

2014-1951. State ex rel. Moir v. Kovack, Slip Opinion No. 2016-Ohio-158.

In Prohibition. Writ granted.

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

O’Donnell, Kennedy, and French, JJ., concur in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2015-0360. State ex rel. Shaughnessy v. Cleveland.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus.

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; respondents 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 respondents' brief.

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

O'Donnell, J., dissents.

2015-0612. State ex rel. Miller v. Bova.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus.

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; respondents 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 respondents' brief.

It is further ordered that respondents' motion for judgment on pleadings and relator's motion to strike respondents' answer and/or attachments thereto are denied.

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

2015-1193. State ex. rel. Hunter v. Cunningham.

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.

2015-1446. State ex rel. Oester v. Hoffman.

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.

2015-1617. State ex rel. Price v. Sloan.

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

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

2015-1661. Perkins v. Turner.

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

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

2015-1671. Huelsman v. Grosz.

In Quo Warranto. On amended complaint for writ of quo warranto. Cause dismissed.

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

2015-1686. State ex rel. Harris v. Mohr.

In Mandamus. On respondents' motion for judgment on the pleadings. Motion granted. Cause dismissed. On motion to strike. Motion denied.

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

2015-1704. Washington v. Erdos.

In Habeas Corpus. On petition for writ of habeas corpus of Jimmie L. Washington. Sua sponte, cause dismissed. On "motion to proceed to judge and execution of return." Motion denied.

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

2015-1722. Groll v. Reed.

In Mandamus. On corrected motion to dismiss. Motion granted. Cause dismissed.

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

2015-1725. State ex rel. Fox v. Turner.

In Habeas Corpus. On petition for writ of habeas corpus of David G. Fox. Sua sponte, cause dismissed.

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

2015-1758. Violation of Civ. Protection Order.

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

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

2015-1765. State ex rel. Robinson v. Ohio Adult Parole Auth.

In Mandamus. On respondents' motion for judgment on pleadings. Motion granted. Cause dismissed.

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

2015-1790. State ex rel. Curley v. Cuyahoga Cty. Court of Common Pleas.

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.

2015-1898. Appenzeller v. Mohr.

In Habeas Corpus. On petition for writ of habeas corpus of Russell E. Appenzeller. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2014-1621. Caster v. Columbus.

In Mandamus. On consideration of relator's application for dismissal. Application denied.

It is further ordered by the court, sua sponte, that this case will be set for oral argument at a later date.

O'Donnell, J., dissents.

2014-1862. State v. Myers.

Warren App. No. 14CR29826. On motion to make grand jury testimony and transcripts part of the record on appeal. Motion denied.

2015-1341. State v. Wright.

Lake App. No. 2013-L-089, 2015-Ohio-2601. On motion for leave to add an assignment of error. Motion denied.

Kennedy, J., dissents.

2015-1342. State v. Wright.

Lake App. No. 2013-L-089, 2015-Ohio-2601. On motion for leave to add an assignment of error. Motion denied.

Kennedy, J., dissents.

2015-1805. Martin v. Jones.

Adams App. No. 14CA992, 2015-Ohio-3168. On motion to dismiss. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2015-1837. State v. Young.

Lorain App. No. 13CA010460, 2015-Ohio-1998. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Kennedy, JJ., dissent.

2015-1845. State v. Gonzales.

Wyandot App. No. 16-08-17, 2009-Ohio-1656. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2015-1862. State v. Avery.

Scioto App. No. 14CA3613, 2015-Ohio-4251. On motion for leave to file delayed appeal. Motion granted.

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

2015-1865. State v. Thomas.

Cuyahoga App. No. 101797, 2015-Ohio-3226. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2015-1930. State v. Kelley.

Hamilton App. No. C-140401. On motion for leave to file delayed appeal. Motion denied.

2015-1945. State v. Brooks.

Allen App. No. 1-14-51. On motion for leave to file delayed appeal. Motion granted.

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

2015-2028. State ex rel. Walton v. Williams.

In Prohibition. On motion for stay of proceedings in Hamilton County Juvenile Court case No. P15-1323 X. Motion granted.

It is further 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; respondents 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 respondents' brief.

APPEALS ACCEPTED FOR REVIEW

2015-1259. State v. Mobarak.

Franklin App. No. 14AP-517, 2015-Ohio-3007. On consideration of the jurisdictional memoranda in this case, the court accepts Proposition of Law No. II. It is ordered by the court, sua sponte, that this cause is held for decision in 2015-1782, *State v. Shalash*, and the briefing schedule is stayed.

Lanzinger, Kennedy, and French, JJ., would accept the appeal on all propositions of law and hold all propositions for decision in 2015-1782, *State v. Shalash*.

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

2015-1357. State v. Irby.

Cuyahoga App. No. 102263, 2015-Ohio-2705. Appeal accepted and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

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

2015-1455. State v. Wheeler.

Cuyahoga App. Nos. 102182 and 102183, 2015-Ohio-3231. Appeal accepted and cause held for decision in 2015-1288, *State v. Heinz*, and briefing schedule stayed.

O'Neill, J., dissents.

2015-1568. State v. Raphael.

Warren App. Nos. CA2014-11-138 and CA2014-11-139, 2015-Ohio-3179.

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

APPEALS NOT ACCEPTED FOR REVIEW

2015-1121. State v. Eicholtz.

Clark App. No. 2014-CA-45, 2015-Ohio-1937.

2015-1241. Sieber v. Sieber.

Butler App. Nos. CA2014-05-106 and CA2014-05-114.

2015-1295. TriState Capital Bank v. Levis Land, L.L.C.

Wood App. No. WD-13-023.

O'Neill, J., dissents.

2015-1356. U.S. Bank Natl. Assn. v. Blank.

Ashtabula App. No. 2014-A-0036, 2015-Ohio-1687.

2015-1373. Smith v. Hein.

Hamilton App. No. C-140529, 2015-Ohio-2749.

O'Neill, J., dissents.

2015-1389. State v. Sowers.

Miami App. No. 2014-CA-25, 2015-Ohio-2788.

O'Connor, C.J., and O'Neill, J., dissent and would hold the cause for decision in 2015-0677, *State v. Aalim*.

2015-1397. State v. Liles.

Allen App. No. 1-14-61, 2015-Ohio-3093.

2015-1401. Pierce v. Durrani.

Hamilton App. No. C-140276, 2015-Ohio-2835.

O'Donnell, J., dissents.

2015-1412. Daniels v. Northcoast Anesthesia Providers, Inc.

Cuyahoga App. No. 102955.

O'Donnell, J. dissents.

Kennedy, J., dissents and would hold the cause for decision in 2015-1127, *Burnham v. Cleveland Clinic*.

2015-1413. State v. Klusty.

Delaware App. No. 14 CAA 07 0040, 2015-Ohio-2843.

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

2015-1428. State v. Oglesby.

Montgomery App. No. 26251, 2015-Ohio-2557.

2015-1433. State v. Simon.

Butler App. No. CA2014-12-255, 2015-Ohio-2989.

O'Neill, J., dissents.

2015-1434. State v. Taylor.

Adams App. No. 14CA993, 2015-Ohio-2919.

Kennedy, J., dissents.

2015-1435. State v. Brown.

Lake App. No. 2014-L-075, 2015-Ohio-2897.

2015-1436. Englewood Forest, L.L.C. v. Eclipse Resources-Ohio, L.L.C.

Monroe App. No. 14 MO 8, 2015-Ohio-2336.

2015-1441. Decker v. Lucas Cty. Commrs.

Lucas App. No. L-15-1183. Request to correct Proposition of Law No. I denied.

O'Donnell and O'Neill, JJ., dissent and would accept the cause and grant the request to correct proposition of law.

2015-1448. Peters v. Tipton.

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

2015-1457. State v. Hewitt.

Stark App. No. 2014CA00078, 2015-Ohio-1786.

2015-1462. State v. Dembie.

Lorain App. No. 14CA010527, 2015-Ohio-2888.

2015-1463. State v. Boone.

Franklin App. No. 14AP-87, 2015-Ohio-2648.

2015-1464. W. Res. Port Auth. v. B & K Energy.

Trumbull App. No. 2015-T-0036, 2015-Ohio-2903.

2015-1467. Deutsche Bank Natl. Trust Co. v. Smith.

Hamilton App. No. C-140514, 2015-Ohio-2961.

2015-1468. State v. Drumm.

Darke App. No. 2014-CA-15, 2015-Ohio-2176.

O'Neill, J., dissents.

2015-1473. Price v. Carter Lumber Co.

Summit App. No. 27289, 2015-Ohio-1522.

O'Donnell and Kennedy, JJ., dissent.

2015-1474. Howell v. Park E. Care & Rehab.

Cuyahoga App. No. 102111, 2015-Ohio-2403.

O'Donnell, Lanzinger, and Kennedy, JJ., dissent and would hold the cause for decision in 2015-1127, *Burnham v. Cleveland Clinic*.

2015-1481. Latimer v. Paldino.

Trumbull App. No. 2014-T-0116, 2015-Ohio-1874.

2015-1485. Cox v. MetroHealth Med. Ctr. Bd. of Trustees.

Cuyahoga App. No. 101673, 2015-Ohio-2950.

Pfeifer, J., dissents.

2015-1488. State v. Shelton.

Lorain App. No. 14CA010670, 2015-Ohio-2982.

2015-1491. State v. Chamberlain.

Brown App. No. CA2015-03-008, 2015-Ohio-2987.

2015-1493. Fifth Third Mtge. Co. v. O'Neill.

Fairfield App. No. 14 CA 54, 2015-Ohio-3000.

2015-1494. State v. Phipps.

Franklin App. No. 14AP-545, 2015-Ohio-3042.

2015-1495. PNC Bank, N.A. v. Couplin.

Cuyahoga App. No. 102813.

2015-1503. Barker v. McCoy.

Pike App. No. 14CA849, 2015-Ohio-3127.

2015-1504. State v. Doumbas.

Cuyahoga App. No. 100777, 2015-Ohio-3026.

O'Donnell, J., dissents.

2015-1507. State v. Bishop.

Allen App. No. 1-15-18.

2015-1516. State v. Cherryholmes.

Fairfield App. No. 14 CA 37, 2015-Ohio-3063.

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

2015-1519. Torbeck v. Indus. Mfg. Co., Penco Prods., Inc.

Hamilton App. No. C-140533, 2015-Ohio-3041.

Pfeifer, J., dissents.

2015-1530. State v. Bowling.

Franklin App. No. 15AP-36, 2015-Ohio-3123.

French, J., dissents.

2015-1532. State v. Goins.

Franklin App. No. 14AP-747, 2015-Ohio-3121.

2015-1542. State v. Duhamel.

Cuyahoga App. No. 102346, 2015-Ohio-3145.

O'Neill, J., dissents.

2015-1664. Wallace v. Nally.

Columbiana App. No. 14 CO 32, 2015-Ohio-4146.

2015-1688. State v. Greenisen.

Stark App. No. 2015CA00026, 2015-Ohio-3775.

2015-1694. State v. Bocook.

Muskingum App. No. CT2015-0025, 2015-Ohio-3996.

2015-1695. Hupp v. Hupp.

Franklin App. No. 14AP-755, 2015-Ohio-3594.

2015-1699. State v. Cobb.

Stark App. No. 2014 CA 00218, 2015-Ohio-3661.

2015-1702. State v. Camara.

Lucas App. No. L-14-1159, 2015-Ohio-3802.

2015-1707. State v. Beechler.

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

2015-1708. Burton Carol Mgt., L.L.C. v. Ziegler.

Lake App. No. 2015-L-070, 2015-Ohio-3552. Motion for default judgment and/or demand for final order denied as moot.

2015-1709. State v. Hargrove.

Hamilton App. No. C-150268.

2015-1732. Irvin v. Eichenberger.

Franklin App. No. 15AP-824, 2015-Ohio-4400.

O'Donnell, J., dissents.

2015-1741. State v. Edwards.

Ross App. Nos. 14CA3424 and 14CA3425, 2015-Ohio-2140.

2015-1745. Baker v. Senior Emergency Home Repair EOPA.

Lucas App. No. L-14-1203, 2015-Ohio-3083.

2015-1752. State v. Shalash.

Warren App. No. CA2015-06-057, 2015-Ohio-4237. Motion for relief pursuant to S.Ct.Prac.R. 4.01(A)(1) denied as moot.

O'Connor, C.J., dissents and would accept Proposition of Law No. I and hold the cause for decision in 2015-1782, *State v. Shalash*.

Lanzinger and O'Neill, JJ., dissent and would hold the cause for decision in 2015-1782, *State v. Shalash*.

2015-1757. State v. Wofford.

Butler App. No. CA2014-10-210, 2015-Ohio-3708.

2015-1763. State v. McGuire.

Allen App. No. 1-13-47.

O'Donnell, J., dissents.

2015-1764. State v. Lung.

Clermont App. No. CA2014-12-081, 2015-Ohio-3833.

2015-1768. Rayess v. McNamee.

Montgomery App. No. 26543, 2015-Ohio-3163.

O'Donnell, J., dissents.

2015-1774. Cleveland Hts. v. Johnson.

Cuyahoga App. No. 103314. Motion for default judgment and/or demand for final order denied as moot.

2015-1776. Sohi v. Ohio State Dental Bd.

Hamilton App. No. C-140671, 2015-Ohio-3854.

O'Donnell, J., dissents.

2015-1789. Sovereign Bank, N.A. v. Chima.

Summit App. No. 27178, 2015-Ohio-3865. Motion for emergency stay order denied as moot.

2015-1799. State v. Fletcher.

Ottawa App. No. OT-14-033, 2015-Ohio-4059.

2015-1811. State v. Price.

Cuyahoga App. No. 100981, 2015-Ohio-4069.

2015-1812. State v. Crank.

Stark App. No. 2014CA00175.

2015-1814. State v. Shouse.

Montgomery App. No. 26172, 2015-Ohio-3918.

2015-1823. State v. Aniton.

Cuyahoga App. No. 102440, 2015-Ohio-4080.

2015-1842. State v. Royster.

Montgomery App. No. 25870.

2015-1851. Wells Fargo Bank, N.A. v. Parrish.

Franklin App. No. 15AP-243, 2015-Ohio-4045.

2015-1856. State v. Tauwab.

Summit App. No. 27736, 2015-Ohio-3751.

2015-1860. State v. Moore.

Lucas App. Nos. L-14-1116 and L-14-1117, 2015-Ohio-4065.

2015-1877. State v. Patterson.

Stark App. No. 2015CA00125, 2015-Ohio-4325.

2015-1909. State v. Rolfes.

Cuyahoga App. No. 102521, 2015-Ohio-4696.

RECONSIDERATION OF PRIOR DECISIONS

2011-2005. State v. Dean.

Clark App. No. 05-CR-348. Reported at __ Ohio St.3d __, 2015-Ohio-4347, __ N.E.3d __. On motion for reconsideration. Motion denied.

2015-0774. State v. Mohammad.

Franklin App. No. 14AP-662, 2015-Ohio-1234. Reported at 143 Ohio St.3d 1542, 2015-Ohio-4633, 40 N.E.3d 1180. On motion for reconsideration. Motion granted. The discretionary appeal is accepted, and the cause is held for decision in 2015-1782, *State v. Shalash*.

O'Connor, C.J., would grant the motion as to Proposition of Law No. II only and would hold the cause for decision in 2015-1782, *State v. Shalash*.

Pfeifer and O'Neill, JJ., dissent.

2015-0778. State v. Moore.

Montgomery App. No. 25990, 2015-Ohio-1327. Reported at 143 Ohio St.3d 1542, 2015-Ohio-4633, 40 N.E.3d 1180. On motion for reconsideration. Motion denied.

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

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

Cuyahoga App. No. 101580, 2015-Ohio-1297. Reported at 143 Ohio St.3d 1543, 2015-Ohio-4633, 40 N.E.3d 1180. On motion for reconsideration. Motion denied.

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

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

Franklin App. Nos. 14AP-640, 14AP-641, and 14AP-642, 2015-Ohio-1368. Reported at 143 Ohio St.3d 1543, 2015-Ohio-4633, 40 N.E.3d 1180. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

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

Power Siting Board, No. 14-1754-GA-BLN. Reported at 143 Ohio St.3d 1541, 2015-Ohio-4633, 40 N.E.3d 1178. On motion for reconsideration. Motion denied.

2015-1304. Schwartz v. Fleisher.

Hamilton App. No. C-140526. Reported at 143 Ohio St.3d 1544, 2015-Ohio-4633, 40 N.E.3d 1181. On motion for reconsideration. Motion denied. On motion to strike. Motion denied.

2015-1450. Mays v. Toledo Hosp.

Lucas App. No. L-14-1230, 2015-Ohio-1865. Reported at 143 Ohio St.3d 1545, 2015-Ohio-4633, 40 N.E.3d 1181. On motion for reconsideration. Motion denied.

2015-1535. In re L.J.

Hamilton App. No. C-150314. Reported at 143 Ohio St.3d 1545, 2015-Ohio-4633, 40 N.E.3d 1181. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2015-1545. State v. Kronenberg.

Cuyahoga App. No. 101403, 2015-Ohio-3224. Reported at 143 Ohio St.3d 1546, 2015-Ohio-4633, 40 N.E.3d 1181. On motion for reconsideration. Motion denied.