

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

6/15/2016

[Cite as *06/15/2016 Case Announcements*, 2016-Ohio-3390.]

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## MERIT DECISIONS WITH OPINIONS

**2014-0249. Krehnbrink v. Testa, Slip Opinion No. 2016-Ohio-3391.**

Board of Tax Appeals, No. 2012-2368. Decision affirmed.

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

Kennedy, J., concurs in judgment only with an opinion.

French, J., concurs in judgment only.

**2014-1691. Epic Aviation, L.L.C. v. Testa, Slip Opinion No. 2016-Ohio-3392.**

Board of Tax Appeals, No. 2012-1557. Decision vacated and cause remanded.

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

O'Donnell, J., dissents and would affirm the decision of the Board of Tax Appeals.

**2014-1893. Renacci v. Testa, Slip Opinion No. 2016-Ohio-3394.**

Board of Tax Appeals, No. 2012-1850. Decision reversed and cause remanded.

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

O'Connor, C.J., concurs in judgment only.

**2015-2007. Cleveland Metro Bar Assn. v. Azman, Slip Opinion No. 2016-Ohio-3393.**

On Certified Report by the Board of Professional Conduct, No. 2014-092. Brandon Louis Azman, Attorney Registration No. 0087246, is hereby suspended from the practice of law in Ohio for one year, with six months stayed on conditions.

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

## MERIT DECISIONS WITHOUT OPINIONS

### **2015-1914. State ex rel. Mattice El v. State.**

In Habeas Corpus. On amended petition for writ of habeas corpus of JaSaun Robert Lawrence Mattice El. Sua sponte, cause dismissed.

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

### **2015-2025. State ex rel. Mattice El v. State.**

In Habeas Corpus. On petition for writ of habeas corpus of JaSaun Robert Lawrence Mattice El. Sua sponte, cause dismissed.

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

### **2015-2094. Fears v. Myers.**

In Habeas Corpus. On petition for writ of habeas corpus of William Fears. Sua sponte, cause dismissed. On motion for evidentiary hearing. Motion denied as moot.

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

### **2016-0050. Kronenberg v. State.**

In Habeas Corpus. On petition for writ of habeas corpus of Michelle L. Kronenberg. Sua sponte, cause dismissed.

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

### **2016-0108. Fox v. Turner.**

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

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

### **2016-0167. Sheppard v. Crush.**

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

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

**2016-0191. State ex rel. Vincent v. Jenkins.**

In Habeas Corpus. On petition for writ of habeas corpus of Wesley C. Vincent. Sua sponte, cause dismissed.

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

**2016-0202. Covert v. Jenkins.**

In Habeas Corpus. On petition for writ of habeas corpus of Glenn Covert. Sua sponte, cause dismissed. On motion to expedite and "motion for leave to file prior civil action affidavit pursuant to O.R.C. 2969.25(A)(1)(4)." Motions denied as moot. On motion to file supplemental evidence. Motion denied.

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

**2016-0420. Fisher v. Ironton.**

Miscellaneous case. On motion to declare Twana Fisher a vexatious litigator. Motion denied. On motion to strike. Motion denied. On motion to dismiss. Motion granted. Cause dismissed.

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

**2016-0435. State ex rel. Hargrove v. First Dist. Court of Appeals.**

In Mandamus. On motion to dismiss of First District Court of Appeals. Motion granted. On motion for leave to amend complaint. Motion denied.

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

**2016-0438. Gammon v. Barrett.**

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.

**2016-0448. State ex rel. Carlton v. Haas.**

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed. On motion to take judicial notice. Motion denied as moot.

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

**2016-0455. State ex rel. Jones v. Husted.**

In Mandamus. Cause dismissed without prejudice as premature. Motions to dismiss and for judgment on the pleadings denied as moot. Motion to consolidate with No. 2016-0313 denied.

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

**2016-0480. State ex rel. McCollum v. Lake Erie Corr. Inst.**

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

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

Kennedy, French, and O'Neill, JJ., dissent, and would grant the motion for joinder, deny the motion to dismiss, and grant an alternative writ.

**2016-0492. Washington v. State.**

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.

**2016-0501. State ex rel. Owens v. Sheward.**

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

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

French, J., dissents.

**MOTION AND PROCEDURAL RULINGS**

**1999-1152. State v. Group.**

Mahoning C.P. No. 97CR66. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2015-0163. State ex rel. Cordell v. Pallet Cos., Inc.**

Franklin App. No. 13AP-1017, 2014-Ohio-5561. On request for oral argument. Motion granted.

Pfeifer and O'Donnell, JJ., dissent.

**2015-0187. Bohlen v. Anadarko E&P Onshore, L.L.C.**

Washington App. No. 14CA13, 2014-Ohio-5819. On motion to lift stay. Motion granted. It is further ordered that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Washington County and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

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

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

In Procedendo. On “notice of judicial notice of intent on certified federal questions of law.” Motion denied.

**2016-0494. State v. Sanders.**

Hamilton App. Nos. C-140579 and C-140580, 2015-Ohio-5232. On amended motion for delayed appeal. Motion denied.

**2016-0514. State v. Artz.**

Montgomery App. No. 26411, 2015-Ohio-5291. On motion for leave to file delayed appeal. Motion denied.

**2016-0530. State v. Carlton.**

Stark App. No. 2016CA00036. On emergency motion to stay court of appeals’ judgment. Motion denied.

**2016-0542. State v. Williams.**

Hamilton App. No. C-150320, 2016-Ohio-376. On motion for leave to file delayed appeal. Motion denied.

**2016-0547. State v. Hofacker.**

Darke App. No. 2015-CA-5, 2016-Ohio-519. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

**2016-0550. State v. Hendricks.**

Cuyahoga App. No. 102365, 2015-Ohio-3035. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

**2016-0563. State v. Thomas.**

Summit App. No. 27580, 2015-Ohio-5247. On motion for leave to file delayed appeal. Motion denied.

**2016-0565. State v. Carroll.**

Ross App. No. 15CA3485, 2016-Ohio-374. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2016-0594. State v. Burroughs.**

Lorain App. No. 14CA010595, 2016-Ohio-1139. On emergency motion to stay court of appeals' decision. Motion denied.

**2016-0596. State v. Winchester.**

Summit App. No. 26652, 2013-Ohio-4683. On motion for leave to file delayed appeal. Motion denied.

**2016-0601. State v. Turner.**

Cuyahoga App. No. 102741, 2015-Ohio-4388. On motion for leave to file delayed appeal. Motion denied.

**2016-0607. State v. Wilson.**

Holmes App. No. 15CA015, 2015-Ohio-5588. On motion for leave to file delayed appeal. Motion denied.

**2016-0608. State v. Richard.**

Hamilton App. No. C-150325. On motion for leave to file delayed appeal. Motion granted.

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

**2016-0647. State v. Boddie.**

Franklin App. No. 10AP-687, 2011-Ohio-3309. On motion for leave to file delayed appeal. Motion denied.

French, J., not participating.

**2016-0761. State v. Wieland.**

Clermont App. Nos. CA2015-04-036 and CA2015-08-067, 2016-Ohio-261. 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., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2016-0428. State v. Sanchez.**

Sandusky App. No. S-14-030, 2016-Ohio-542. Appeal accepted and cause held for decision in 2015-0384, *State v. Gonzales*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2016-0440. State v. Mutter.**

Scioto App. No. 15CA3691, 2016-Ohio-512.

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

**2016-0441. State v. Mutter.**

Scioto App. No. 15CA3690, 2016-Ohio-512.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2016-0301. State v. Myers.**

Wood App. No. WD-15-017, 2016-Ohio-223.

O'Donnell, J., dissents.

**2016-0327. State v. Torres.**

Putnam App. No. 12-15-07.

**2016-0338. State v. Hawthorne.**

Cuyahoga App. No. 102689, 2016-Ohio-203.

**2016-0343. Arnold v. Kroger Co.**

Hamilton App. No. C-150291, 2016-Ohio-190.

**2016-0347. State v. Lindsey.**

Franklin App. No. 14AP-751.

**2016-0352. U.S. Bank, N.A. v. Marks.**

Summit App. No. 28035.

**2016-0354. State v. Arafat.**

Cuyahoga App. No. 102662, 2016-Ohio-385.

**2016-0356. State v. Winters.**

Muskingum App. No. CT2015-0029, 2016-Ohio-622.

**2016-0357. State v. Wieland.**

Clermont App. Nos. CA2015-04-036 and CA2015-08-067, 2016-Ohio-261.  
Lanzinger and O’Neill, JJ., dissent.

**2016-0360. Hardcastle v. McLendon.**

Muskingum App. No. CT2015-0034, 2016-Ohio-349.  
O’Neill, J., dissents.

**2016-0361. State v. Lusane.**

Portage App. No. 2014-P-0057.

French, J., dissents and would accept the appeal and affirm the judgment of the court of appeals on the authority of *State v. Klembus*, \_\_ Ohio St.3d \_\_, 2016-Ohio-1092, \_\_ N.E.3d \_\_.

**2016-0366. State v. Harper.**

Guernsey App. No. 15 CA 19, 2016-Ohio-471.

**2016-0367. State v. Helm.**

Hamilton App. No. C-150242, 2016-Ohio-500.

**2016-0368. State v. Kline.**

Champaign App. No. 15-CA-41.

**2016-0372. State v. Hart.**

Montgomery App. No. 26517, 2016-Ohio-317.

**2016-0375. State v. Willis.**

Lucas App. No. L-15-1098 and L-15-1101, 2016-Ohio-335.  
French, J., dissents.  
Lanzinger, J., not participating.

**2016-0376. State v. Brown.**

Hamilton App. No. C-150512.

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

Ross App. No. 15CA3488, 2016-Ohio-323.

**2016-0378. Whitehair v. Stiers.**



Guernsey App. No. 15-CA-18, 2016-Ohio-348.

**2016-0380. Wells Fargo Bank, N.A. v. Hazel.**

Franklin App. No. 15AP-93, 2016-Ohio-305.

**2016-0381. State v. Pishok.**

Seneca App. No. 13-03-43.

**2016-0382. State v. Cope.**

Butler App. No. CA2016-01-006.

**2016-0388. State v. Redman.**

Allen App. No. 1-15-54, 2016-Ohio-860.

**2016-0389. State v. Nolde.**

Defiance App. No. 4-15-23, 2016-Ohio-636.

**2016-0390. Jee v. Absolute Fire Protection, Inc.**

Hamilton App. No. C-150374, 2016-Ohio-365.

**2016-0393. State v. Ballard.**

Hamilton App. No. C-140690, 2016-Ohio-364.

**2016-0396. State v. Ballard.**

Hamilton App. No. C-140755, 2016-Ohio-364.

**2016-0401. State v. Legg.**

Pickaway App. No. 14CA23, 2016-Ohio-801.

French, J., dissents and would accept the cause on Proposition of Law Nos. II, III, and IV.

O'Neill, J., dissents and would accept the appeal and hold the cause for decision in 2015-0677, *State v. Aalim*.

**2016-0404. Repacorp, Inc. v. Sloan.**

Miami App. No. 2015-CA-18, 2016-Ohio-608.

**2016-0406. Popp v. Patel.**

Belmont App. No. 15 BE 14, 2016-Ohio-559.

**2016-0408. State v. Campbell.**

Adams App. No. 15CA1012, 2016-Ohio-415.

**2016-0411. Gregory v. Martin.**

Jefferson App. No. 15 JE 17, 2016-Ohio-650.

**2016-0413. State v. Minor.**

Richland App. No. 15CA81, 2016-Ohio-914.

**2016-0415. State v. Ziska.**

Cuyahoga App. No. 102798, 2016-Ohio-390.

**2016-0416. State v. Ranes.**

Putnam App. No. 12-15-03, 2016-Ohio-448.

**2016-0421. Price v. Combs.**

Darke App. No. 2015-CA-17, 2016-Ohio-429.

**2016-0422. State v. Koon.**

Hocking App. No. 15CA17, 2016-Ohio-416.

**2016-0424. State v. Durham.**

Cuyahoga App. No. 103884.

**2016-0425. State v. Davis.**

Cuyahoga App. No. 103936.

**2016-0426. State v. Hostacky.**

Cuyahoga App. No. 103014, 2016-Ohio-397.

**2016-0429. State v. Stevens.**

Allen App. No. 1-14-58, 2016-Ohio-446.

**2016-0430. State v. Walker.**

Cuyahoga App. No. 102960, 2016-Ohio-395.

**2016-0432. In re T.B.**

Tuscarawas App. No. 2015AP050022, 2016-Ohio-575.

Pfeifer and O'Neill, JJ., dissent.

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

**2016-0434. Dillard v. Automation Tool & Die, Inc.**

Medina App. No. 15CA0055-M.

Pfeifer and French, JJ., dissent.

**2016-0439. In re I.T.**

Summit App. Nos. 27513, 27560, and 27581, 2016-Ohio-555.

**2016-0442. Simmons v. Quarry Golf Club, L.L.C.**

Stark App. Nos. 2015CA00143 and 2015CA00148, 2016-Ohio-525.

**2016-0444. McQueen v. Fisher.**

Franklin App. No. 15AP-1011.

**2016-0446. Custer v. Custer.**

Harrison App. No. 15 HA 5, 2016-Ohio-561.

Pfeifer and O'Neill, JJ., dissent.

**2016-0450. Crawford v. Foster.**

Washington App. No. 15CA15, 2016-Ohio-625.

**2016-0456. State v. Singleton.**

Montgomery App. No. 26763, 2016-Ohio-611.

**2016-0462. State v. McClain.**

Cuyahoga App. No. 103089, 2016-Ohio-705.

**2016-0463. State v. Taylor.**

Franklin App. No. 14AP-254, 2015-Ohio-2490.

**2016-0465. State v. Dew.**

Mahoning App. No. 13 MA 174, 2016-Ohio-882.

**2016-0470. State v. Nunez.**

Cuyahoga App. No. 102946, 2016-Ohio-812.

**2016-0475. In re V.A.**

Summit App. No. 28029.

O'Donnell, J., dissents.

**2016-0496. State v. Green.**

Cuyahoga App. No. 102837, 2016-Ohio-926. Discretionary appeal not accepted.  
On motion for stay. Motion denied.

**2016-0500. State v. Howard.**

Montgomery App. No. 26360, 2015-Ohio-3917.

**2016-0513. State v. Pridgett.**

Cuyahoga App. No. 101823, 2016-Ohio-687.

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

**2016-0516. State v. Jones.**

Cuyahoga App. No. 102747, 2016-Ohio-695.

**2016-0521. State v. Palmer.**

Lucas App. No. L-14-1278, 2015-Ohio-5625.

**2016-0527. State v. Edmond.**

Franklin App. No. 15AP-574, 2016-Ohio-1034.

**2016-0531. State v. Jones.**

Cuyahoga App. No. 102260, 2016-Ohio-688.

**2016-0545. State v. Massalay.**

Franklin App. No. 15AP-544, 2016-Ohio-779.

**2016-0546. State v. Robinson.**

Lawrence App. No. 14CA24, 2016-Ohio-905.

**2016-0556. Green v. Columbus.**

Franklin App. No. 15AP-602, 2016-Ohio-826.

Pfeifer, J., dissents.

**2016-0559. State v. Adams.**

Mahoning App. No. 14 MA 0077, 2016-Ohio-891.

**2016-0562. State v. Hernandez.**

Wood App. No. WD-15-050.

**2016-0567. State v. Reed.**

Franklin App. No. 15AP-111, 2016-Ohio-1234.

**2016-0572. State v. Williams.**

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

**2016-0573. State v. Ali.**

Summit App. No. 28000, 2016-Ohio-1348.

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

**2016-0578. State v. Green.**

Stark App. No. 2016CA00032.

**2016-0639. State v. Williams.**

Delaware App. No. 14 CAA 10 0064, 2015-Ohio-3245.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-1557. State v. Klembus.**

Cuyahoga App. No. 100068, 2014-Ohio-3227. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-1092, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2015-0367. Leyman v. Bradshaw.**

Richland App. No. 14 CA 93, 2015-Ohio-751. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-1093, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied. On motion to supplement record. Motion denied as moot. On motion to seal trial transcripts. Motion granted.

**2015-1960. Meyers v. McClelland.**

In Habeas Corpus. Reported at 145 Ohio St.3d 1406, 2016-Ohio-899, 46 N.E.3d 701. On motion for reconsideration. Motion denied. On “motion to show cause hearing and demand for writ of habeas corpus relief.” Motion denied.

**2015-2036. Henry v. Cleveland Clinic Found.**

Cuyahoga App. No. 101652, 2015-Ohio-1826. Reported at 145 Ohio St.3d 1423, 2016-Ohio-1173, 47 N.E.3d 167. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

**2015-2087. State v. Andrews.**

Lake App. No. 2015-L-042, 2015-Ohio-4638. Reported at 145 Ohio St.3d 1443, 2016-Ohio-1596, 48 N.E.3d 583. On motion for reconsideration. Motion denied. On notice of judicial notice of intent on certified federal questions of law. Motion denied.

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

Summit App. No. 27132, 2015-Ohio-5246. Reported at 145 Ohio St.3d 1443, 2016-Ohio-1596, 48 N.E.3d 582. On motion for reconsideration. Motion denied.

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

O'Donnell, J., dissents and would accept the case and hold the cause for decision in 2015-1782, *State v. Shalash*.