

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 29, 2016

[Cite as *06/29/2016 Case Announcements*, 2016-Ohio-4606.]

MERIT DECISIONS WITHOUT OPINIONS

2016-0499. State ex rel. Rohfeld v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On motion for judgment on pleadings. Motion denied as moot.

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

2016-0526. Dates v. John D. Clunk Co., L.P.A.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On motion to strike respondents' motion to dismiss. Motion denied as moot.

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

2016-0543. State ex rel. Loper v. Rein.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On motion in limine to provide relator additional time for filing responses. Motion denied as moot.

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

2016-0549. State ex rel. Hearn v. DeWine.

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.

2016-0589. State ex rel. Johnson v. Mohr.

In Mandamus. On amended motion to dismiss. Motion granted. Cause dismissed. On motion for judgment pursuant to S.Ct.Prac.R. 12.07(B)(3). Motion denied as moot.

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

2016-0604. State ex rel. Mast v. Holmes Cty. Court of Common Pleas.

In Mandamus and 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.

2016-0634. State ex rel. Bryant v. Allen Cty. Common Pleas Court.

In Mandamus and Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On motion to supplement. Motion denied as moot.

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

2016-0658. State ex rel. Hilliard v. Russo.

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.

MOTION AND PROCEDURAL RULINGS

2010-0944. State v. Jackson.

Cuyahoga C.P. No. CR532145. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2015-1514. State v. Henry.

Crawford App. No. 3-15-01. On motion to strike. Motion denied. On motion to stay. Motion denied. On motion for supplementation of the record. Motion denied.

2016-0256. Adams v. Testa.

Board of Tax Appeals, No. 2015-1090. On motion to consolidate case with 2016-0510, *Adams v. Testa*. Motion denied.

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

2016-0667. State v. Lloyd.

Warren App. No. CA2015-05-038, 2015-Ohio-3636. On motion for leave to file delayed appeal. Motion denied.

2016-0707. State v. Shepherd.

Cuyahoga App. No. 102974, 2016-Ohio-1119. On motion for leave to file delayed appeal. Motion denied.

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

2016-0708. State v. Robinson.

Franklin App. No. 15AP-798, 2016-Ohio-952. On motion for leave to file delayed appeal. Motion denied.

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

2016-0727. State v. Smoot.

Montgomery App. No. 26297, 2015-Ohio-2717. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0757. State v. Shepherd.

Cuyahoga App. No. 102951, 2016-Ohio-931. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0765. State v. Winters.

Cuyahoga App. No. 102871, 2016-Ohio-928. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0810. Sivit v. Village Green of Beachwood, L.P.

Cuyahoga App. Nos. 103340 and 103498, 2016-Ohio-2940. On motion for limited stay relief. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2016-0461. Springfield v. State.

Clark App. No. 2015-CA-77, 2016-Ohio-725. Discretionary appeal accepted on Proposition of Law Nos. I and II, cause held for decision in 2015-1549, *Dayton v. State*, and briefing schedule stayed.

O'Connor, C.J., would accept the cause on Proposition of Law No. II only.

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

Pfeifer, J., dissents.

O'Donnell, J., not participating.

2016-0656. State v. Reese.

Muskingum App. No. CT2015-0046, 2016-Ohio-1591. Discretionary appeal accepted, cause held for decision in 2015-0384, *State v. Gonzales*, and briefing schedule stayed.

Pfeifer and French, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2015-1858. In re Estate of Cvanciger.

Lake App. No. 2014-L-095, 2015-Ohio-4318.

O'Connor, C.J., dissents.

2016-0291. Formica v. Dehner.

Warren App. No. CA2015-03-016, 2016-Ohio-75.

Kennedy, J., not participating.

2016-0330. State v. Jordan.

Scioto App. No. 13CA3590, 2015-Ohio-5253. Motion for stay of Supreme Court proceedings denied.

2016-0339. State v. Dickerson.

Cuyahoga App. No. 102461, 2016-Ohio-807. Motion for bond pending court's ruling on request for leave to appeal denied as moot.

O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent and would hold the cause for decision in 2015-1427, *State v. Jones*.

2016-0346. State v. Maser.

Franklin App. No. 15AP-129, 2016-Ohio-211.

Lanzinger and O'Neill, JJ., dissent and would hold the cause for decision in 2016-0215, *State v. Grimes*.

2016-0358. State v. Baker.

Montgomery App. No. 26703, 2016-Ohio-315. Appeal and cross-appeal not accepted.

O'Donnell and O'Neill, JJ., dissent and would accept jurisdiction over the cross-appeal.

2016-0449. Home Fed. S. & L. Assn. of Niles v. Keck.

Mahoning App. No. 15 MA 0041, 2016-Ohio-651.

2016-0452. State v. Reese.

Mahoning App. No. 2014 MA 00116, 2016-Ohio-557.

2016-0454. Ogle v. Greco.

Hocking App. No. 15CA2, 2015-Ohio-4841.

2016-0457. State v. Oliver.

Franklin App. No. 15AP000810, 2016-Ohio-475.

O'Donnell, J., dissents.

2016-0458. State v. Lee.

Mahoning App. No. 14 MA 120, 2016-Ohio-649.

2016-0460. State v. Brooks.

Cuyahoga App. No. 102551, 2016-Ohio-489.

O'Donnell and French, JJ., dissent.

2016-0467. State v. Welly.

Seneca App. No. 13-15-37, 2016-Ohio-863.

2016-0468. State v. Menkhaus.

Clermont App. No. CA2015-04-035, 2016-Ohio-550.

French, J., dissents.

2016-0471. McIntire v. Cuyahoga Cty.

Cuyahoga App. Nos. 103126, 103192, and 103253, 2016-Ohio-593.

2016-0476. State v. Jordan.

Montgomery App. No. 26163, 2016-Ohio-603.

O'Neill, J., dissents.

2016-0477. Wheatley v. Marietta College.

Washington App. No. 14CA18, 2016-Ohio-949.

Pfeifer and O'Neill, JJ., dissent.

2016-0478. Gallito v. Levinsky.

Mahoning App. No. 13 MA 143, 2016-Ohio-889.

2016-0479. Wells Fargo Bank, N.A. v. Carver.

Cuyahoga App. No. 102822, 2016-Ohio-589.

O'Donnell, J., dissents.

2016-0483. State v. Feagin.

Richland App. No. 2015-CA-0041, 2015-Ohio-5107.

2016-0485. Definitive Solutions Co., Inc. v. Sliper.

Hamilton App. No. C-150281, 2016-Ohio-533.

O'Neill, J., dissents.

2016-0487. State v. Silva.

Henry App. No. 7-15-07, 2016-Ohio-633.

2016-0488. State v. Porter.

Cuyahoga App. No. 102257, 2016-Ohio-1115.

2016-0489. Pastroumas v. UCL, Inc.

Hamilton App. No. C-150352.

Pfeifer and O'Neill, JJ., dissent.

2016-0498. In re J.L.

Trumbull App. No. 2015-T-0137, 2016-Ohio-644.

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

2016-0503. Bank of Am., N.A. v. Singh.

Butler App. No. CA2015-07-131, 2016-Ohio-639.

2016-0508. Schlaegel v. Howell.

Champaign App. No. 2014-CA-37, 2015-Ohio-4296.

2016-0511. State v. Day.

Greene App. No. 2015-CA-15.

2016-0512. Rodgers v. Genesis Healthcare Sys., Inc.

Muskingum App. No. CT2015-0030, 2016-Ohio-721.

2016-0515. Dorazio v. Dorazio.

Cuyahoga App. No. 103308, 2016-Ohio-713. Motion to dismiss denied as moot.

2016-0517. State ex rel. DeWine v. Mastergard.

Franklin App. No. 14AP-1024, 2016-Ohio-660.

Pfeifer, J., dissents.

2016-0518. Crown Chrysler Jeep, Inc. v. Boulware.

Franklin App. No. 15AP-162, 2015-Ohio-5084.

2016-0520. State v. Domokos.

Ottawa App. No. OT-15-008, 2016-Ohio-739.

2016-0522. State v. Chisenhall.

Clermont App. Nos. CA2015-07-055 and CA2015-07-063, 2016-Ohio-999.

2016-0523. Gattrell v. Utica.

Licking App. No. 15-CA-26, 2016-Ohio-792.

Pfeifer, J., dissents.

Kennedy, J., dissents and would hold the cause for the decision in 2015-0348, *Argabrite v. Neer*.

2016-0524. Lerner v. Giolekas.

Cuyahoga App. No. 102768, 2016-Ohio-696.

O'Donnell, J., dissents.

2016-0525. State v. Durham.

Cuyahoga App. No. 102654, 2016-Ohio-691. Appeal and cross-appeal not accepted.

O'Connor, C.J., and Lanzinger, J., dissent, and would accept the cross-appeal on Proposition of Law No. I and hold the cause for decision in 2014-0942, *State v. Walker*.

2016-0529. Lundeen v. Smith-Hoke.

Franklin App. No. 15AP-236, 2015-Ohio-5086.

2016-0532. Cleveland v. Cleveland Police Patrolmen’s Assn.

Cuyahoga App. No. 103010, 2016-Ohio-702.

O’Donnell, J., dissents.

2016-0533. State v. Hall.

Cuyahoga App. No. 102789, 2016-Ohio-698.

O’Donnell, J., dissents.

2016-0534. State v. Davis.

Cuyahoga App. No. 102726, 2016-Ohio-694.

French, J., dissents.

2016-0535. State v. Brown.

Montgomery App. No. 21540.

2016-0536. State v. Scott.

Summit App. No. 27846, 2016-Ohio-682.

2016-0540. State v. G.C.

Franklin App. No. 15AP-536, 2016-Ohio-717.

Pfeifer, J., dissents.

2016-0544. State v. Burke.

Franklin App. No. 15AP-54, 2016-Ohio-822.

2016-0558. Fed. Natl. Mtge. Assn. v. Ford.

Cuyahoga App. No. 102395, 2016-Ohio-919.

O’Donnell, J., dissents.

2016-0561. State v. Snodgrass.

Clark App. No. 2015-CA-59, 2015-Ohio-5304.

2016-0577. State v. Conner.

Cuyahoga App. No. 103092, 2016-Ohio-301.

2016-0579. State v. Stephenson.

Franklin App. No. 14AP-826.

2016-0580. State v. Pough.

Trumbull App. No. 2015-T-0095, 2016-Ohio-1315.

2016-0584. State v. Doumbas.

Cuyahoga App. No. 100777, 2016-Ohio-956.

2016-0588. State v. Rice.

Lucas App. No. L-15-1139.

2016-0591. State v. Smith.

Montgomery App. No. 26307, 2016-Ohio-1269.

2016-0606. State v. Patterson.

Trumbull App. No. 2013-T-0062, 2015-Ohio-4423.

2016-0611. Rauch v. Jefferson Twp. Bd. of Zoning Appeals.

Montgomery App. No. 26941, 2016-Ohio-967. Motion for stay denied.

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

2016-0616. State v. Hubbard.

Cuyahoga App. No. 83384, 2016-Ohio-918.

2016-0618. State v. Barnes.

Muskingum App. No. CT2015-0013, 2016-Ohio-1168.

2016-0622. State v. Schlemmer.

Stark App. No. 2015CA00136, 2016-Ohio-1075.

2016-0623. Schultheiss v. Heinrich Ents., Inc.

Washington App. No. 15CA20, 2016-Ohio-121.

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

Kennedy and French, JJ., dissent.

2016-0626. State v. Grissom.

Montgomery App. No. 26626, 2016-Ohio-961.

2016-0627. State v. Burrage.

Cuyahoga App. No. 104175.

2016-0629. Bank of New York Mellon v. Ackerman.
Montgomery App. No. 26779, 2016-Ohio-960.

2016-0633. State v. Chiles.
Cuyahoga App. No. 103179, 2016-Ohio-1225.

2016-0643. State v. Griggs.
Lake App. No. 2014-L-127, 2015-Ohio-4635.

2016-0644. State v. Anderson.
Franklin App. No. 16AP-156.

2016-0649. State v. Castle.
Hardin App. No. 6-15-11, 2016-Ohio-993.

2016-0652. State v. Turner.
Cuyahoga App. No. 104215.

2016-0654. State v. Rodriguez.
Franklin App. No. 15AP-953, 2016-Ohio-1090.

2016-0665. State v. Irbey.
Lucas App. No. L-15-1082, 2016-Ohio-1393.

2016-0676. State v. Watkins.
Franklin App. No. 14AP-807, 2016-Ohio-1029.
O'Donnell, J., not participating.

2016-0681. State v. Payne.
Ashtabula App. No. 2015-A-0036, 2016-Ohio-1301.

RECONSIDERATION OF PRIOR DECISIONS

2014-2079. Baker v. Wayne Cty.
Wayne App. No. 13CA0029, 2014-Ohio-3529. Reported at __ Ohio St.3d __,
2016-Ohio-1566, __ N.E.3d __. On motion for reconsideration. Motion denied.
Pfeifer, O'Donnell, and O'Neill, JJ., dissent.

2015-1195. State v. Henry.

Crawford App. No. 3-15-01. Reported at 146 Ohio St.3d 10, 2016-Ohio-1525, 50 N.E.3d 555. On motion for reconsideration. Motion denied. On motion to strike, motion to stay, and motion for supplementation of the record. Motions denied.

2015-1754. Freedom Mtge. Corp. v. Robbins.

Hamilton App. No. C-140475. Reported at 145 Ohio St.3d 1457, 2016-Ohio-2807, 49 N.E.3d 320. On motion for reconsideration. Motion denied. On motion to place stay on property. Motion denied as moot.

2016-0030. State v. Bridges.

Cuyahoga App. Nos. 102930 and 103090, 2015-Ohio-5428. Reported at 145 Ohio St.3d 1458, 2016-Ohio-2807, 49 N.E.3d 320. On motion for reconsideration. Motion denied.

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

In Mandamus. Reported at 145 Ohio St.3d 1439, 2016-Ohio-1596, 48 N.E.3d 580. On motion for reconsideration. Motion denied.

2016-0049. State v. Moore.

Muskingum App. No. CT2015-0027, 2015-Ohio-3435. On motion for reconsideration. Motion granted. Discretionary appeal accepted and cause held for decision in 2016-0215, *State v. Grimes*, and briefing schedule stayed.

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

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

In Mandamus. Reported at 145 Ohio St.3d 1439, 2016-Ohio-1596, 48 N.E.3d 580. On motion for reconsideration. Motion denied. On motion for sanctions. Motion denied.

2016-0124. Jones v. Lerner Sampson & Rothfuss.

In Mandamus. Reported at 145 Ohio St.3d 1454, 2016-Ohio-2807, 49 N.E.3d 318. On motion for reconsideration. Motion denied. On demand for finding of facts and conclusions of law. Motion denied.

2016-0126. State v. Hignite.

Warren App. No. CA2015-07-063, 2015-Ohio-5204. Reported at 145 Ohio St.3d 1459, 2016-Ohio-2807, 49 N.E.3d 321. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

2016-0135. Johnson v. State.

In Procedendo. Reported at 145 Ohio St.3d 1450, 2016-Ohio-2687, 49 N.E.3d 314. On motion for reconsideration. Motion denied.

2016-0138. State v. Knoefel.

Lake App. No. 2014-L-088, 2015-Ohio-5207. Reported at 145 Ohio St.3d 1459, 2016-Ohio-2807, 49 N.E.3d 321. On motion for reconsideration. Motion denied.
Pfeifer, J., dissents.

2016-0149. Shields v. Tyack.

Franklin App. No. 15AP-114, 2015-Ohio-5369. Reported at 145 Ohio St.3d 1459, 2016-Ohio-2807, 49 N.E.3d 321. On motion for reconsideration. Motion denied.

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

In Mandamus. Reported at 145 Ohio St.3d 1440, 2016-Ohio-1596, 48 N.E.3d 580. On motion for reconsideration. Motion denied. On motion for sanctions. Motion denied.

2016-0296. State ex rel. Victor v. Stupica.

In Procedendo. Reported at 145 Ohio St.3d 1455, 2016-Ohio-2807, 49 N.E.3d 318. On motion for reconsideration. Motion denied.