

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 26, 2016

[Cite as *10/26/2016 Case Announcements*, 2016-Ohio-7455.]

MERIT DECISIONS WITH OPINIONS

2014-1614. Internatl. Paper Co. v. Testa, Slip Opinion No. 2016-Ohio-7454.

Board of Tax Appeals, No. 2010-2230. Decision reversed and cause remanded.

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

French, J., dissents, with an opinion joined by O'Donnell and Kennedy, JJ.

2016-0089. State ex rel. Tucker v. Matia, Slip Opinion No. 2016-Ohio-7450.

Cuyahoga App. No. 103333, 2015-Ohio-5154. Judgment affirmed.

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

2016-0164. State ex rel. Walker v. Sloan, Slip Opinion No. 2016-Ohio-7451.

Ashtabula App. No. 2015-A-0058, 2015-Ohio-5529. Judgment affirmed.

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

2016-0283. State ex rel. Bates v. Eppinger, Slip Opinion No. 2016-Ohio-7452.

Lorain App. No. 15CA010845. Judgment affirmed.

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

French, J., not participating.

2016-0285. State ex rel. Williams v. Sutula, Slip Opinion No. 2016-Ohio-7453.

Cuyahoga App. No. 103565, 2016-Ohio-408. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2016-0726. State ex rel. J. & L. v. Corrigan.

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

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

2016-1045. Rogers v. State.

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

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

2016-1053. State ex rel. Henry v. O'Neil.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On motion to amend. Motion denied as moot.

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

Pfeifer and Lanzinger, JJ., would grant the motion to dismiss and deny the motion to amend on the merits.

2016-1068. State ex rel. Lathan v. Cocroft.

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.

2016-1119. Sandridge v. Bur. of Criminal Investigation.

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.

2016-1170. State ex rel. Foster v. Tenth Dist. Court of Appeals Judges.

In Mandamus and Prohibition. 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.

2016-1172. State ex rel. Stanley v. Andrews.

In Mandamus. On complaint in mandamus of Steven L. Stanley. 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.

On motion to take judicial notice. Motion denied as moot.

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

Pfeifer and Lanzinger, JJ., would dismiss the complaint and deny the motion to take judicial notice on the merits.

French, J., dissents.

2016-1189. State ex rel. Bradford v. First Dist. Court of Appeals Judges.

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

On motion to render findings of fact and conclusions of law pursuant to Civ.R. 53(D) and motion for leave to be relieved of duty to provide electronic copy of requests for admissions to respondent pursuant to Civ.R. 36. Motions denied as moot.

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

2016-1228. Mayfield v. Parker.

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.

2016-1231. State ex rel. Black v. Calabrese.

In Mandamus and 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.

2016-1304. State ex rel. Victor v. Stupika.

In Prohibition. 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.

MOTION AND PROCEDURAL RULINGS

2001-0835. State v. Hoffner.

Lucas App. No. L95181. On motion to stay execution date. Motion denied.

Pfeifer, J., dissents.

O'Neill, J., dissents for the reasons set forth in his dissenting opinion in *State v. Wogenstahl*, 134 Ohio St.3d 1437, 2013-Ohio-164, 981 N.E.2d 900.

2016-0821. State ex rel. Patterson v. Sloan.

Ashtabula App. No. 2016-A-0018, 2016-Ohio-2902. On motion for leave to file delayed memorandum in support of jurisdiction. Motion denied.

2016-0864. State ex rel. Bradford v. Hamilton Cty. Court of Common Pleas.

In Procedendo. On motion to render findings of fact and conclusions of law pursuant to Civ.R. 53(D). Motion denied.

2016-1136. Toledo v. State.

Lucas App. No. L-15-1121, 2016-Ohio-4906. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2016-1138, *Toledo v. Ohio*, and held for decision in 2015-1549, *Dayton v. Ohio*, and briefing schedule stayed.

O'Donnell, J., not participating.

2016-1242. State v. Moore.

Lucas App. No. L-15-1211, 2016-Ohio-3506. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2016-1248. State v. Thigpen.

Cuyahoga App. No. 102467, 2016-Ohio-1374. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

2016-1256. Lowe v. Ransier.

Certified Question of State Law, Bankruptcy Appellate Panel for the United States Court of Appeals for the Sixth Circuit, Nos. 15-8053 and 15-8055. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court determines that it will not answer the certified question. Cause dismissed.

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

2016-1266. State v. Neal.

Crawford App. No. 3-15-14, 2016-Ohio-3282. On motion for leave to file delayed appeal. Motion granted.

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

2016-1273. State v. Stowes.

Cuyahoga App. No. 100540, 2016-Ohio-3036. On motion for leave to file delayed appeal. Motion denied.

2016-1293. State v. Turner.

Lake App. No. 2015-L-116, 2016-Ohio-4733. On motion for leave to file delayed appeal. Motion granted.

O'Donnell and French, JJ., dissent.

2016-1297. State v. Mobarak.

Franklin App. No. 16AP-162, 2016-Ohio-4632. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2016-1168, *State v. Mobarak*, and held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

2016-1317. Fifth Third Bank v. Unknown Spouse of Lockwood.

Lucas App. No. L-16-1159. On motion for immediate stay. Motion denied.

2016-1319. State v. Garcia.

Summit App. Nos. 27810 and 27811, 2016-Ohio-4667. On motion for leave to file delayed appeal. Motion granted.

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

APPEALS ACCEPTED FOR REVIEW

2016-1138. Toledo v. Ohio.

Lucas App. No. L-15-1121, 2016-Ohio-4906. Discretionary appeal accepted. Sua sponte, cause consolidated with 2016-1136, *Toledo v. Ohio*, and held for decision in 2015-1549, *Dayton v. Ohio*, and briefing schedule stayed.

O'Donnell, J., not participating.

2016-1168. State v. Mobarak.

Franklin App. No. 16AP-162, 2016-Ohio-4632. Discretionary appeal accepted. Sua sponte, cause consolidated with 2016-1297, *State v. Mobarak*, and held for decision in 2015-1782, *State v. Shalash*, and briefing schedule stayed.

O'Connor, C.J., and Pfeifer, J., dissent and would not accept the discretionary appeal.

APPEALS NOT ACCEPTED FOR REVIEW

2016-0937. State v. I’Juju.

Franklin App. No. 15AP-692, 2016-Ohio-3078.

2016-0940. State v. Hill.

Licking App. No. 15-CA-13, 2016-Ohio-1214.

2016-0942. State v. Kramer.

Defiance App. No. 4-15-14, 2016-Ohio-2984.

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

O’Neill, J., dissents.

2016-0943. Hanko v. Nestor.

Erie App. No. E-15-041, 2016-Ohio-2976.

2016-0947. Omega Riggers & Erectors, Inc. v. Koverman.

Montgomery App. No. 26590, 2016-Ohio-2961.

Pfeifer, J., dissents.

2016-0952. State v. Caccamo.

Lake App. No. 2015-L-048, 2016-Ohio-3006.

Kennedy and French, JJ., dissent.

2016-0954. State v. Johnson.

Cuyahoga App. No. 102449, 2016-Ohio-1536. On appellee’s motion to strike memorandum in support of jurisdiction and appellant’s motion for leave to amend notice of appeal. Motions denied as moot.

Lanzinger, J., would grant appellee’s motion to strike.

O’Donnell, Kennedy, and French, JJ., dissent and would accept the discretionary appeal.

2016-0960. In re Estate of Brown.

Cuyahoga App. No. 103867, 2016-Ohio-3074.

2016-0961. Young v. Craig Transp. Co.

Wood App. Nos. WD-14-068, WD-14-073, and WD-14-077, 2016-Ohio-1401.

Lanzinger, J., not participating.

2016-0965. State v. Worley.

Cuyahoga App. No. 103105, 2016-Ohio-2722.

2016-0967. State v. Galdamez.

Franklin App. No. 14AP-527.

Kennedy, J., dissents.

2016-0974. State v. McGowan.

Ashtabula App. No. 2015-A-0015, 2015-Ohio-4430.

2016-0975. Bissell v. Bissell.

Montgomery App. No. 26855, 2016-Ohio-3086.

Kennedy, J., dissents.

2016-0976. State v. Heineman.

Cuyahoga App. No. 103184, 2016-Ohio-3058.

Lanzinger and Kennedy, JJ., dissent and would accept the cause on Proposition of Law No. I.

2016-0981. In re K.Z.-P.

Wood App. Nos. WD-15-022 through WD-15-027, 2016-Ohio-3091.

2016-0982. McFarren v. Emeritus at Canton.

Stark App. No. 2015 CA 00052.

Pfeifer, J., dissents.

2016-1001. In re T.W.

Hamilton App. No. C-150327, 2016-Ohio-3131.

Kennedy, J., dissents.

2016-1003. State v. Howard.

Franklin App. No. 15AP-161, 2016-Ohio-504.

2016-1010. Frash v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 14AP-932, 2016-Ohio-3134.

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

Kennedy and French, JJ., dissent.

2016-1012. State v. Clements.

Hocking App. No. 15CA19, 2016-Ohio-3201.

2016-1042. State v. Wofford.

Stark App. No. 2016CA00087, 2016-Ohio-4628.

2016-1050. Wilson v. S. Euclid.

Cuyahoga App. No. 103067, 2016-Ohio-3258.

2016-1059. State v. Jackson.

Sandusky App. No. S-15-020, 2016-Ohio-3278.

2016-1075. State v. White.

Hamilton App. No. C-150250, 2016-Ohio-3329.

O'Neill, J., dissents.

2016-1080. State v. Smith.

Mahoning App. No. 14 MA 0159, 2016-Ohio-3418.

2016-1089. State v. Wampler.

Lucas App. No. L-15-1025, 2016-Ohio-4756.

2016-1091. State v. Vaughn.

Cuyahoga App. No. 103330, 2016-Ohio-3320. Motion for stay denied as moot.

O'Neill, J., dissents and would accept the cause and grant the motion for stay.

2016-1095. State v. Roush.

Morrow App. No. 16CA0002.

2016-1099. State v. Lukjare.

Ashland App. No. 15 COA 038, 2016-Ohio-4613.

Lanzinger, French, and O'Neill, JJ., dissent and would accept the appeal and hold the cause for decision in 2016-0172 and 2016-0282, *State v. Oles*.

2016-1120. State v. Banda.

Lucas App. No. L-16-1101.

2016-1237. State v. Kramer.

Defiance App. No. 4-15-14, 2016-Ohio-2984.

2016-1287. In re T.M.

Cuyahoga App. No. 103899, 2016-Ohio-4964.

RECONSIDERATION OF PRIOR DECISIONS

2014-1315. In re M.R.

Jefferson App. No. 13 JE 30, 2014-Ohio-2623. Reported at __ Ohio St.3d __, 2016-Ohio-5451, __ N.E.3d __. On motion for reconsideration. Motion denied. Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2015-0186. Midland Funding, L.L.C. v. Hottenroth.

Cuyahoga App. No. 100146, 2014-Ohio-5680. Reported at __ Ohio St.3d __, 2016-Ohio-5489, __ N.E.3d __. On motion for reconsideration. Motion denied. O'Donnell, Lanzinger, and Kennedy, JJ., dissent.

2015-1645. In re A.W.

Knox App. No. 15CA3, 2015-Ohio-3463. Reported at __ Ohio St.3d __, 2016-Ohio-5455, __ N.E.3d __. On motion for reconsideration. Motion denied. Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2015-1816. In re D.D.

Stark App. No. 2015CA0043, 2015-Ohio-3999. Reported at __ Ohio St.3d __, 2016-Ohio-5456, __ N.E.3d __. On motion for reconsideration. Motion denied. Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2016-0576. English v. Progressive Specialty Ins. Co.

Lucas App. No. L-14-1239, 2016-Ohio-847. Reported at 146 Ohio St.3d 1490, 2016-Ohio-5585, 57 N.E.3d 1170. On motion for reconsideration. Motion denied. O'Donnell, Kennedy, and French, JJ., dissent.

2016-0714. State v. Powell.

Cuyahoga App. No. 102922, 2016-Ohio-1220. Reported at 146 Ohio St.3d 1491, 2016-Ohio-5585, 57 N.E.3d 1170. On motion for reconsideration. Motion denied. O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent.