

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 9, 2016

[Cite as *11/09/2016 Case Announcements #2*, 2016-Ohio-7681.]

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## MOTION AND PROCEDURAL RULINGS

### **1997-1474. State v. Sheppard.**

Hamilton App. Nos. C-950402 and C-950744. This cause came on for further consideration upon the filing of appellant's motion for order or relief. It is ordered by the court that the motion is denied.

O'Neill, J., dissents and would remand the cause to the trial court for resentencing in accordance with *Hurst v. Florida*, \_\_ U.S. \_\_, 136 S.Ct. 616, 193 L.Ed.2d 504 (2016).

### **1998-0019. State v. Fears.**

Hamilton C.P. No. B9702360B. This cause came on for further consideration upon the filing of appellant's motion for stay of execution pending determination of the applicability of *Hurst v. Florida*, \_\_ U.S. \_\_, 136 S.Ct. 616, 193 L.Ed.2d 504 (2016), to Angelo Fears's death sentence. It is ordered by the court that the motion is denied.

It is further ordered that appellant's motion for leave to file a reply to the memorandum in opposition to stay of execution is granted.

O'Neill, J., dissents and would grant the motion for stay of execution.

### **1999-0395. State v. Myers.**

Greene App. No. 96CA38. This cause came on for further consideration upon the filing of appellant's motion for order or relief. It is ordered by the court that the motion is denied.

O'Neill, J., dissents.

### **2001-1518. State v. Gapen.**

Montgomery C.P. No. 2000CR02945. This cause came on for further consideration upon the filing of appellant's motion for order or relief. It is ordered by the court that the motion is denied.

It is further ordered that the motion of amicus curiae, Franklin County Prosecuting Attorney Ron O'Brien, for leave to file a memorandum in support of the state of Ohio's opposition to the motion for order or relief is denied.

O'Donnell and Kennedy, JJ., dissent and would grant the motion of amicus curiae for leave to file.

O'Neill, J., dissents and would grant appellant's motion for order or relief and would grant the motion of amicus curiae for leave to file.

## **RECONSIDERATION OF PRIOR DECISIONS**

### **2010-0854. State v. Kirkland.**

Hamilton C.P. No. B0901629. Reported at 145 Ohio St.3d 1455, 2016-Ohio-2807, 49 N.E.3d 318. On motion for reconsideration. Motion denied.

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

### **2012-0902. State v. Belton.**

Lucas C.P. No. CR0200802934000. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-1581, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.