

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 23, 2016

[Cite as *11/23/2016 Case Announcements*, 2016-Ohio-7854.]

MERIT DECISIONS WITHOUT OPINIONS

2016-0958. State ex rel. Russell v. O’Neill.

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.

2016-1232. Schmidt v. Franklin Cty. Court of Common Pleas.

In 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.

2016-1320. State ex rel. McBroom v. Ohio Adult Parole Bd.

In Mandamus. On answer of respondent. Cause dismissed.

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

O’Neill, J., dissents and would grant an alternative writ.

2016-1332. State ex rel. Jackson v. Byrd.

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.

2016-1336. Gilbert v. Akron.

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

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

O'Neill, J., dissents and would grant an alternative writ.

2016-1337. Stevens v. McCarty.

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

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

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

2016-1356. State ex rel. Bates v. Ellwood.

In Mandamus. On amended answer of respondent. Cause dismissed.

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

2016-1359. State ex rel. Thomas v. Kelly.

In Mandamus. On answer of respondents. On motion for judgment on the pleadings. Motion granted. Cause dismissed.

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

2016-1366. State ex rel. Boles v. Gorman.

In Mandamus and Procedendo. On complaint in mandamus and procedendo of Shawn R. Boles. 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.

APPEALS ACCEPTED FOR REVIEW

2016-1033. State v. Bettis.

Delaware App. No. 15-CAA-10-0088, 2016-Ohio-4615. Discretionary appeal accepted, cause held for decision in 2015-0077, *State v. Pittman*, and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2016-0875. State v. Parks.

Highland App. No. 16CA3.

2016-0885. State v. Wilson.

Cuyahoga App. No. 102921, 2016-Ohio-2718.

O'Donnell and Kennedy, JJ., dissent.

French, J., dissents and would accept the appeal and summarily affirm the judgment of the court of appeals based on this court's decision in *State v. Thomas*, __ Ohio St.3d __, 2016-Ohio-5567, __ N.E.3d __.

2016-1017. State v. Thieshen.

Summit App. No. 27897, 2016-Ohio-3148.

O'Donnell, J., dissents.

2016-1032. Kraus v. Kraus.

Erie App. No. E-15-012, 2016-Ohio-972.

2016-1037. Roberts v. Netherly.

Hamilton App. No. C-150275.

2016-1038. Weaver v. Kraft.

Delaware App. No. 15CAE060046 and 15CAE090073, 2016-Ohio-3300. Appeal and second appeal not accepted. Appellee's motion to strike denied. Appellant's motion to withdraw appeal denied. Appellant's motion of insurance-retained counsel to withdraw as counsel for appellant granted.

Kennedy, J., dissents and would accept the appeal and deny appellant's motion to withdraw appeal as moot.

O'Neill, J., dissents and would accept the appeal and deny all motions.

O'Connor, C.J., would deny appellant's motion of insurance-retained counsel to withdraw and appellant's motion to withdraw appeal as moot.

Pfeifer, J., would deny appellant's motion of insurance-retained counsel to withdraw.

O'Donnell, J., would grant appellee's motion to strike.

Lanzinger, J., would grant appellant's motion to withdraw appeal.

French, J., would grant appellant's motion to withdraw appeal and deny appellee's motion to strike as moot.

2016-1044. State v. Graham.

Medina App. No. 14CA0084-M, 2016-Ohio-3210.

2016-1046. In re D.M.

Franklin App. No. 15AP-763, 2016-Ohio-3270.

O'Neill, J., dissents.

2016-1047. State v. Reyes-Rosales.

Adams App. No. 15CA1010, 2016-Ohio-3338.

2016-1051. State v. Beal.

Clark App. No. 2015-CA-91, 2016-Ohio-3271.

2016-1055. State v. Plymale.

Gallia App. No. 15CA1, 2016-Ohio-3340.

2016-1062. Pena v. Turner.

Marion App. No. 9-16-11.

2016-1067. State v. Ragusa.

Lucas App. No. L-15-1244, 2016-Ohio-3373.

Lanzinger, J., dissents.

2016-1076. Souders v. Souders.

Hamilton App. No. C-150552, 2016-Ohio-3522.

Kennedy, J., dissents and would accept the cause on Proposition of Law Nos. I, II, and VI.

2016-1078. State v. Simmons.

Cuyahoga App. No. 103462, 2016-Ohio-3460.

2016-1084. Mentor Way Real Estate Partnership v. Hertanu.

Cuyahoga App. No. 103267, 2016-Ohio-4692.

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

2016-1093. Miller v. State.

Richland App. No. 15CA96, 2016-Ohio-4623.

2016-1094. In re Estate of Harmon.

Tuscarawas App. No. 2015 AP 09 0052, 2016-Ohio-2617. Appellant's motions to vacate, stay, and strike denied as moot.

2016-1100. State v. Terrell.

Cuyahoga App. No. 103428, 2015-Ohio-4563.

O'Connor, C.J., dissents and would hold the cause for the decision in 2016-0317, *State v. Anderson*.

Lanzinger and O'Neill, JJ., dissent.

2016-1106. State v. Bolden.

Lake App. No. 2014-L-121, 2016-Ohio-4727.

2016-1107. State v. Teagarden.

Licking App. No. 15-CA-66, 2016-Ohio-3446.

2016-1111. In re F.B.

Summit App. No. 27762, 2016-Ohio-3434.

2016-1145. State v. Whitehead.

Hamilton App. Nos. C-150517 and C-150518.

2016-1196. State v. Westerfield.

Franklin App. No. 16AP-85, 2016-Ohio-4633.

2016-1201. In re W.W.E.

Franklin App. No. 15AP-167, 2016-Ohio-4552.

2016-1202. Jackson v. Ohio Dept. of Edn.

Summit App. No. 27686, 2016-Ohio-2818.

2016-1208. State v. Maple.

Summit App. No. 28031, 2016-Ohio-5024.

2016-1210. State v. Scott.

Hamilton App. No. C-160558.

2016-1224. State v. Parks.

Butler App. No. CA2016-02-032, 2016-Ohio-4920.

2016-1229. State v. Wolfe.

Montgomery App. Nos. 26681, 26729, and 26983, 2016-Ohio-4897.

2016-1310. State v. Higdon.

Medina App. No. 14CA0014-M.

2016-1347. State v. McCoy.
Butler App. No. CA91-07-126.

2016-1351. State v. Franklin.
Wayne App. No. 14AP0055, 2016-Ohio-56.

2016-1387. State v. Jury.
Erie App. No. E-14-100, 2016-Ohio-2663.

2016-1411. State v. Taylor.
Lawrence App. No. 15CA12, 2016-Ohio-2781.

2016-1434. State v. Withrow.
Clark App. No. 15-CA-24, 2016-Ohio-2884.

2016-1445. State v. Johnson.
Lorain App. No. 15CA010747.

2016-1460. State v. Burks.
Summit App. No. 27423, 2015-Ohio-1246.
O'Connor, C.J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2010-2198. State v. McKelton.
Butler C.P. No. CR2010020189. Reported at __ Ohio St.3d __, 2016-Ohio-5735,
__ N.E.3d __. On motion for reconsideration. Motion denied.
O'Neill, J., dissents.

2016-1126. State ex rel. Maglis v. Indus. Comm.
Franklin App. No. 15AP-648, 2016-Ohio-4644. Reported at 146 Ohio St.3d 1510,
2016-Ohio-7123, 60 N.E.3d 3. On motion for reconsideration. Motion denied.
O'Neill, J., dissents.