

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 14, 2016

[Cite as *12/14/2016 Case Announcements*, 2016-Ohio-8121.]

MERIT DECISIONS WITH OPINIONS

2014-1953. *Simpkins v. Grace Brethren Church*, Slip Opinion No. 2016-Ohio-8118.

Delaware App. No. 13 CAE 10 0073, 2014-Ohio-3465. Judgment affirmed.

Kennedy and French, JJ., concur.

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

O'Connor, C.J., and O'Donnell, J., would dismiss the case as having been improvidently allowed.

O'Neill, J., dissents, with an opinion joined by Pfeifer, J.

Pfeifer, J., dissents, with an opinion.

2015-1525. *State ex rel. Winfree v. McDonald*, Slip Opinion No. 2016-Ohio-8098.

Lucas App. No. L-14-1222. Judgment affirmed.

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

2015-1536. *Lee v. Weir*, Slip Opinion No. 2016-Ohio-8104.

Hamilton App. No. C-150417. Judgment affirmed.

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

2015-1831. *State ex rel. Schroeder v. Cleveland*, Slip Opinion No. 2016-Ohio-8105.

In Mandamus. Cause dismissed.

O'Connor, C.J., Pfeifer, Lanzinger, and O'Neill, JJ., concur.
O'Donnell, J., dissents, with an opinion joined by Kennedy and French, JJ.

2015-1879. State ex rel. Carroll v. Gallion Assisted Living Ltd., Slip Opinion No. 2016-Ohio-8117.

Franklin App. No. 14AP-944, 2015-Ohio-4874. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2016-1380. State ex rel. Barton v. Supreme Court of Ohio.

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.

2016-1413. State ex rel. Thomas v. Basinski.

In Prohibition. On motion for judgment on pleadings. Motion granted.

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, and French, JJ., concur.
O'Donnell and O'Neill, JJ., dissent and would grant an alternative writ.

2016-1422. State ex rel. Marcelis v. Sloan.

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.

2016-1438. Rasheed v. Orlando.

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.

2016-1467. Nixon v. Portage Cty. Court of Common Pleas.

In Mandamus. On complaint in mandamus of David A. Nixon. 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.

2016-1504. State v. Blair.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On motion for entry of judgment. Motion denied as moot.

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

MOTION AND PROCEDURAL RULINGS

1994-2622. State v. Otte.

Cuyahoga App. No. 64617. On motion to stay execution date. Motion denied.

O'Neill, J., dissents.

2015-0612. State ex rel. Miller v. Bova.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus.

It is ordered by the court, sua sponte, that within ten days of the date of this order respondents shall submit under seal each offense and incident report in the possession of the sheriff's office that is responsive to the request of relator, Mark Miller, so that the court may review the records in camera to determine which reports may be released and which reports satisfy the definition of a "security record" in R.C. 149.433.

2015-1568. State v. Raphael.

Warren App. Nos. CA2014-11-138 and CA2014-11-139, 2015-3179. On pro se application for reopening under S.Ct.Prac.R. 11.06 and pro se motion for relief pursuant to Ohio S.Ct.R. 4.01. Motions denied.

O'Neill, J., dissents and would grant appellant's motion for relief.

2016-0732. West v. Second Dist. Court of Appeals.

In Mandamus and Prohibition. On demand for conclusion of law and facts, with full disclosure. Demand denied.

2016-1088. State ex rel. Harrison v. Cuyahoga Cty. Prosecutor.

In Mandamus. On motion to consolidate with case No. 2016-1429. Motion denied.

Kennedy, J., dissents.

2016-1491. State v. Meyer.

Franklin App. No. 15AP-589, 20156-Ohio-5638. On motion to stay execution of sentence. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2016-1503. State v. Rice.

Lucas App. No. L-06-1343. On motion for leave to file delayed appeal. Motion denied.

2016-1518. State v. Hall.

Cuyahoga App. No. 103747, 2016-Ohio-4569. On motion for leave to file delayed appeal. Motion denied.

2016-1528. State v. Curry.

Muskingum App. No. CT2015-0005, 2016-Ohio-401. On motion for leave to file delayed appeal. Motion denied.

2016-1535. State v. Reed.

Summit App. No. 27755, 2016-Ohio-5123. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-1540. In re C.B.

Highland App. No. 16CA20. On motion for stay. Motion denied.

O'Donnell, J., dissents.

2016-1544. State v. Johnson.

Richland App. No. 15-CA-114, 2016-Ohio-5611. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2016-1548. State v. Speelman.

Ashland App. No. 15-COA-045, 2016-Ohio-3409. On motion for leave to file delayed appeal. Motion granted.

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

2016-1579. State v. Thomas.

Cuyahoga App. No. 103759, 2016-Ohio-4961. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-1588. State v. Tracey.

Muskingum App. No. CT2015-0040, 2016-Ohio-5255. On motion for leave to file delayed appeal. Motion granted.

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

2016-1589. State v. Johnson.

Cuyahoga App. No. 102047, 2016-Ohio-2622. On motion for leave to file delayed appeal. Motion denied.

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

2016-1648. Fisher v. Doe.

Hamilton App. No. C-160226, 2016-Ohio-7383. On emergency motion to stay appellate court judgment and opinion. Motion denied.

APPEALS NOT ACCEPTED FOR REVIEW

2016-1429. State v. Harrison.

Cuyahoga App. No. 93132, 2016-Ohio-5398. Motion to consolidate with case No. 2016-1088 denied as moot.

2016-1436. State v. Allen.

Cuyahoga App. No. 103148, 2016-Ohio-5400.

2016-1440. State v. Campbell.

Cuyahoga App. No. 102788, 2016-Ohio-5510.

O'Neill, J., dissents.

2016-1463. State v. Johnson.

Richland App. No. 15CA89, 2016-Ohio-3000.

2016-1466. State v. Matthews.

Cuyahoga App. No. 101276.

2016-1470. State v. Teitelbaum.

Franklin App. No. 14AP-310, 2016-Ohio-3524. Appellee's motion to strike memorandum in support of jurisdiction and motion to dismiss denied as moot.

2016-1558. State v. Banks.

Lake App. No. 2015-L-128, 2016-Ohio-4925.

RECONSIDERATION OF PRIOR DECISIONS

2015-1670. State ex rel. Bunting v. Styer.

Tuscarawas App. No. 2014 AP 12 0054, 2015-Ohio-3662. Reported at __ Ohio St.3d __, 2016-Ohio-5781, __ N.E.3d __. On motion for reconsideration. Motion denied.

2016-0395. In re C.C.S.

Franklin App. No. 15AP-884, 2016-Ohio-388. Reported at __ Ohio St.3d __, 2016-Ohio-7472, __ N.E.3d __. On motion for reconsideration. Motion denied. On motion for stay of adoption proceeding pending ruling on reconsideration. Motion denied.

Pfeifer, Kennedy, and French, JJ., dissent.

2016-0809. Pontius v. Riverside Radiology & Interventional Assocs., Inc.

Franklin App. No. 15AP-906, 2016-Ohio-1515. Reported at 146 Ohio St.3d 1503, 2016-Ohio-5792, 58 N.E.3d 1174. On motion for reconsideration. Motion denied. On appellee's motion to strike notice of supplemental authority. Motion granted.

O'Donnell and Kennedy, JJ., would grant the motion for reconsideration.

French, J., would grant the motion for reconsideration and deny the motion to strike.

O'Connor, C.J., and O'Neill, J., would deny the motion to strike.

2016-0884. Brooklyn v. Woods.

Cuyahoga App. No. 103120, 2016-Ohio-1223. Reported at 146 Ohio St.3d 1514, 2016-Ohio-7199, 60 N.E.3d 6. On motion for reconsideration. Motion denied.

2016-0922. Sparks v. Sparks.

Warren App. No. CA2015-10-095, 2016-Ohio-2896. Reported at 146 Ohio St.3d 1515, 2016-Ohio-7199, 60 N.E.3d 7. On motion for reconsideration. Motion denied. On motion to strike memorandum in response. Motion denied as moot.

2016-0939. Lee v. Ellison.

Hamilton App. No. C-150580. Reported at 146 Ohio St.3d 1515, 2016-Ohio-7199, 60 N.E.3d 7. On motion for reconsideration. Motion denied.