

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 9, 2016

[Cite as *03/09/2016 Case Announcements*, 2016-Ohio-899.]

MERIT DECISIONS WITH OPINIONS

2015-1005. Cleveland Metro. Bar Assn. v. Pryatel, Slip Opinion No. 2016-Ohio-865.

On Certified Report by the Board of Professional Conduct, No. 2014-037. Mark Robert Pryatel, Attorney Registration No. 0019678, is hereby permanently disbarred from the practice of law in Ohio.

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

Pfeifer, Kennedy, and French, JJ., dissent and would impose an indefinite suspension.

2015-1317. Ohio State Bar Assn. v. Owen, Slip Opinion No. 2016-Ohio-864.

On Certified Report by the Board of Professional Conduct, No. 2014-089. Christopher Stanley Owen, Attorney Registration No. 0080766, is hereby publicly reprimanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-0572. State ex rel. Hayden v. Moher.

In Habeas Corpus. On petition for writ of habeas corpus of Robert O. Hayden. Sua sponte, cause dismissed. On motion of petitioner for order to show cause. Motion denied as moot.

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

2015-0815. Smith v. Warden, London Corr. Inst.

In Habeas Corpus. On petition for writ of habeas corpus of Darryl Roger Smith. Sua sponte, cause dismissed. On motion for judicial notice of law and motion for evidentiary hearing. Motions denied as moot.

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

2015-1924. Foster v. Ohio Dept. of Rehab & Corr.

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

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

2015-1942. State ex rel. Askew v. Stark Cty. Court of Appeals Fifth Judicial Dist.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On motion to strike relator's amended complaint. Motion denied as moot.

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

2015-1960. Meyers v. McClelland.

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

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

MOTION AND PROCEDURAL RULINGS

2002-2241. State v. Monroe.

Franklin C.P. No. 01CR042118. On second application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2015-2061. State ex rel. Carrier v. Hilliard City Council.

On motion for attorney fees. Motion denied.

O'Neill, J., dissents.

2016-0044. State v. Brantley.

Lorain App. No. 15CA010853. On emergency motion to stay court of appeals' judgment. Motion denied.

2016-0079. State v. Webster.

Hamilton App. No. C-130700, 2014-Ohio-5647. On motion for leave to file delayed appeal. Motion denied.

2016-0088. State v. Jacobs.

Summit App. No. 27545, 2015-Ohio-4353. On motion for leave to file delayed appeal. Motion denied.

Lanzinger, J., dissents.

2016-0174. Udrija v. E. Cleveland.

Cuyahoga App. No. 102406, 2016-Ohio-288. On motion for immediate stay of the court of appeals' judgment without bond. Motion denied.

Lanzinger, Kennedy, and French, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2015-1692. State v. Johnson.

Cuyahoga App. Nos. 102760 and 102761, 2015-Ohio-4189. Discretionary appeal accepted and cause held for decision in 2015-1288, *State v. Heinz*, and briefing schedule stayed.

2015-1810. State v. Owens.

Cuyahoga App. No. 102276, 2015-Ohio-3881. Discretionary appeal accepted and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

2015-1847. State v. Orr.

Cuyahoga App. No. 102460, 2015-Ohio-4081. Discretionary appeal accepted on Proposition of Law No. I only.

O'Donnell, Kennedy, and French, JJ., would accept the cause on all propositions of law.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2015-1892. State v. Rahab.

Hamilton App. No. C-150186.

O'Donnell and Kennedy, JJ., dissent.

2015-1950. State v. Brown.

Cuyahoga App. No. 102377, 2015-Ohio-4372. Discretionary appeal accepted and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

Pfeifer and O'Neill, JJ., dissent.

2015-1977. In re J. N.

Franklin App. No. 15AP-159, 2015-Ohio-4464. Discretionary appeal accepted and cause held for decision in 2014-0607, *In re D.S.*, and briefing schedule stayed.

O'Donnell and Kennedy, JJ., dissent.

2015-2022. State v. Norquest.

Geauga App. No. 2015-G-0003, 2015-Ohio-4541. Discretionary appeal accepted and cause held for decision in 2014-1557, *State v. Klembus*, and briefing schedule stayed.

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

2015-2065. State v. Valentyn.

Lake App. No. 2015-L-072, 2015-Ohio-4834. Discretionary appeal accepted and cause held for decision in 2014-1557, *State v. Klembus*, and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2016-0215. State v. Grimes.

Muskingum App. No. CT2015-0026. Discretionary appeal accepted. Motion to stay denied.

Pfeifer and Lanzinger, JJ., would grant the motion to stay.

Pfeifer, O'Donnell, and O'Neill, JJ., dissent and would not accept the cause.

APPEALS NOT ACCEPTED FOR REVIEW

2015-0649. State v. Monroe.

Franklin App. No. 13AP-598, 2015-Ohio-844.

2015-1607. State v. Williams.

Lorain App. No. 14CA010641, 2015-Ohio-3932.

O'Donnell, J., dissents.

2015-1805. Martin v. Jones.

Adams App. No. 14CA992, 2015-Ohio-3168. Appeal and cross-appeal not accepted.

O'Neill, J., dissents and would accept the appeal and cross-appeal.

2015-1806. State v. Evans.

Cuyahoga App. No. 102215, 2015-Ohio-3878.

2015-1807. Columbia Gas of Ohio, Inc. v. Toledo Edison Co.

Lucas App. No. L-14263, 2015-Ohio-3942.

Kennedy, J., dissents and would accept the appeal on Proposition of Law No. IV.

2015-1808. State v. Roig.

Cuyahoga App. No. 102423, 2015-Ohio-3884.

2015-1809. O'Brien v. Phillips.

Franklin App. No. 14AP-1026, 2015-Ohio-3901.

French, J., dissents.

2015-1818. In re Estate of Abraitis.

Cuyahoga App. No. 102403, 2015-Ohio-4077.

2015-1825. Nejman v. Charney.

Cuyahoga App. No. 102584, 2015-Ohio-4087.

French, J., dissents.

2015-1829. In re K.E.

Hamilton App. No. C-150020.

French and O'Neill, JJ., dissent.

2015-1830. State v. Sowards.

Gallia App. No. 06CA13.

2015-1839. State v. Rickard.

Wood App. Nos. WD-14-016 and WD-14-017, 2015-Ohio-3298.

O'Neill, J., dissents.

2015-1844. State v. Bayer.

Fairfield App. No. 14-CA-55, 2015-Ohio-4138.

2015-1846. State v. Upton.

Cuyahoga App. No. 101815, 2015-Ohio-3341.

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

2015-1848. State v. Alridge.

Sandusky App. No. S-15-001, 2015-Ohio-4064.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law Nos. II, III, and IV.

2015-1850. Burton v. Dutiel.

Perry App. Nos. 14-CA-00024 and 14-CA-00025, 2015-Ohio-4134.

2015-1852. CitiMortgage, Inc. v. Snider.

Geauga App. No. 15-G-0008, 2015-Ohio-4028.

O'Donnell, J., dissents.

2015-1854. Radtke v. Chester Twp.

Geauga App. No. 2014-G-3222, 2015-Ohio-4016.

O'Donnell and Kennedy, JJ., dissent.

2015-1859. State v. Chapman.

Franklin App. No. 15AP-70, 2015-Ohio-4042.

French, J., dissents.

2015-1869. Shell v. Durrani.

Butler App. No. CA2014-11-232, 2015-Ohio-4140.

2015-1870. Cooper v. Commercial Sav. Bank.

Wyandot App. No. 16-14-04, 2015-Ohio-4131.

2015-1871. Cooper v. Commercial Sav. Bank.

Wyandot App. No. 16-14-08, 2015-Ohio-4131. Motion to strike denied as moot.

2015-1875. State v. Davis.

Franklin App. No. 15AP-518, 2015-Ohio-4481.

2015-1878. State v. Terrel.

Miami App. No. 2014-CA-24, 2015-Ohio-4201.

French, J., dissents and would accept the cause on Proposition of Law No. II and hold the cause for decision in 2014-1825, *State v. Marcum*.

2015-1884. Fraternal Order of Police Lodge 8 v. Cleveland.

Cuyahoga App. No. 102565, 2015-Ohio-4188.

Pfeifer, J., dissents.

2015-1885. G.S. v. G.L.

Erie App. No. E-14-136, 2015-Ohio-4407.

2015-1887. State v. Skapik.

Champaign App. No. 2015-CA-5, 2015-Ohio-4404. Appeal and cross-appeal not accepted.

2015-1890. In re D.W.

Hamilton App. No. C-140632.

Pfeifer, J., dissents.

2015-1891. Martin v. Lamrite W., Inc.

Cuyahoga App. No. 102251, 2015-Ohio-3585.

O'Donnell, J., dissents.

2015-1900. State v. Dellagnese.

Summit App. No. 27492, 2015-Ohio-4349.

2015-1901. State v. Padilla.

Lorain App. No. 14CA010640, 2015-Ohio-4220.

2015-1902. Compton v. Compton.

Stark App. No. 2014CA00207, 2015-Ohio-4327.

2015-1906. Lakeside REO Ventures, L.L.C. v. Vandeleur Investors, L.L.C.

Franklin App. No. 14AP-1101, 2015-Ohio-4254.

2015-1907. Williams v. State.

Cuyahoga App. No. 102664, 2015-Ohio-3771.

2015-1908. Westfall v. Estate of Dlesk.

Harrison App. No. 14 HA 17, 2015-Ohio-4313.

O'Donnell, J., dissents.

2015-1910. Stauffer v. Smith.

Trumbull App. No. 2015-T-0032, 2015-Ohio-4240.

2015-1912. State v. Davis.

Lorain App. No. 14CA010639, 2015-Ohio-4218.

2015-1915. Golubski v. United States Plastic Equip., L.L.C.

Portage App. No. 2015-P-0001, 2015-Ohio-4239.

O'Donnell and Kennedy, JJ., dissent.

2015-1918. McWreath v. Maiorca.

Trumbull App. No. 2014-T-0075, 2015-Ohio-4319.

Pfeifer and Kennedy, JJ., dissent.

2015-1919. State v. Jackson.

Cuyahoga App. No. 102394, 2015-Ohio-4274.

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

2015-1921. State v. Lam.

Montgomery App. No. 26428, 2015-Ohio-4293.

O'Neill, J., dissents.

2015-1922. State v. Workman.

Athens App. No. 14CA25, 2015-Ohio-4483.

Pfeifer, J., dissents.

2015-1923. Baaron, Inc. v. Davidson.

Wayne App. No. 13CA0050, 2015-Ohio-4217.

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

2015-1928. State v. Fensler.

Tuscarawas App. No. 2015 AP 04 0018, 2015-Ohio-4597.

2015-1931. Chumlea v. Chumlea.

Clark App. No. 2014 CA 075, 2015-Ohio-4197.

2015-1932. Luthy v. Martinez.

Hamilton App. No. C-1500066.

O'Donnell, J., dissents.

2015-1934. Chumlea v. Chumlea.

Clark App. No. 2014 CA 08, 2015-Ohio-4196.

2015-1936. State v. Jackson.

Summit App. No. 27478, 2015-Ohio-4356.

2015-1937. U.S. Bank, N.A. v. Brown.

Cuyahoga App. No. 103121.

O'Neill, J., dissents.

2015-1941. Ballard v. Nationwide Ins. Co.

Mahoning App. No. 14 MA 85, 2015-Ohio-4474.

Kennedy, J., dissents.

2015-1944. State v. Gonzalez.

Mahoning App. No. 13 MA 103.

2015-1947. State v. Pavisch.

Portage App. No. 2015-P-0037, 2015-Ohio-4545.

2015-1949. State v. Kay.

Montgomery App. No. 26344, 2015-Ohio-4403.

O'Donnell, J., dissents.

Lanzinger, J., dissents and would accept and hold the cause for decision in 2014-1825, *State v. Marcum*.

2015-1951. State v. Nguyen.

Athens App. No. 14CA42, 2015-Ohio-4414.

2015-1957. State v. Back.

Butler App. Nos. CA2015-03-037 and CA2015-03-038, 2015-Ohio-4447.

Kennedy and French, JJ., dissent and would accept and hold the cause for decision in 2014-1825, *State v. Marcum*.

O'Neill, J., dissents and would accept the cause on Proposition of Law No. I and hold the cause for decision in 2014-1825, *State v. Marcum*.

2015-1962. State v. Stafford.

Hamilton App. No. C-150006.

2015-1980. State v. Anderson.

Franklin App. No. 14AP-1047, 2015-Ohio-4458.

2015-1989. Goffstein v. Goffstein.

Hamilton App. No. C-140418.

2015-1994. State v. Wharton.

Summit App. No. 27656, 2015-Ohio-4566.

Pfeifer and O'Neill, JJ., dissent.

2015-1996. Salyers v. Buehrer.

Hamilton App. No. C-140756, 2015-Ohio-4507.

Pfeifer and O'Neill, JJ., dissent.

2015-2058. State v. Hickman.

Summit App. No. 27321, 2015-Ohio-4668.

2015-2070. Welly v. Welly.

Seneca App. No. 13-15-15, 2015-Ohio-4804.

2015-2072. Tobin v. Univ. Hosp. E.

Franklin App. No. 15AP-153, 2015-Ohio-3903.

2015-2085. State v. Hively.

Gallia App. No. 13CA15, 2015-Ohio-2297.

2016-0099. State v. Graves.

Lucas App. No. L-14-1171, 2015-Ohio-3696.

RECONSIDERATION OF PRIOR DECISIONS

2014-2201. In re Adoption of H.N.R.

Greene App. No. 2014-CA-35, 2014-Ohio-4959. Reported at __ Ohio St.3d __, 2015-Ohio-5476, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2015-1293. Siegel v. State.

Franklin App. No. 14AP-279, 2015-Ohio-441. Reported at 43 Ohio St.3d 1441, 2015-Ohio-5468, 43 N.E.3d 451. On motion for reconsideration. Motion denied. O'Donnell and O'Neill, JJ., dissent.

2015-1343. Cobb v. Shipman.

Trumbull App. No. 2013-T-0117, 2015-Ohio-2604. Reported at 43 Ohio St.3d 1441, 2015-Ohio-5468, 43 N.E.3d 452. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

2015-1391. Stancik v. Deutsche Natl. Bank.

Cuyahoga App. No. 102019, 2015-Ohio-2517. Reported at 43 Ohio St.3d 1442, 2015-Ohio-5468, 43 N.E.3d 452. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2015-1781. State v. Higdon.

Medina App. No. 14CA00014-M, 2015-Ohio-1592. Reported at 43 Ohio St.3d 1438, 2015-Ohio-5468, 43 N.E.3d 450. On motion for reconsideration. Motion denied.