

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 19, 2017

[Cite as *04/19/2017 Case Announcements*, 2017-Ohio-1427.]

MERIT DECISIONS WITH OPINIONS

2014-2008, 2014-2009, and 2014-2010. Dauch v. Erie Cty. Bd. of Revision, Slip Opinion No. 2017-Ohio-1412.

Board of Tax Appeals, Nos. 2014-1410, 2014-1412, and 2014-1413. Decisions affirmed.

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

2015-2081 and 2016-0180. Wilson v. Lawrence, Slip Opinion No. 2017-Ohio-1410.

Cuyahoga App. No. 12585, 2015-Ohio-4677. Certified conflict dismissed as improvidently certified. Judgment reversed and cause remanded.

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

O'Neill, J., dissents, with an opinion.

2016-0837. State ex rel. Samarghandi v. Ferenc, Slip Opinion No. 2017-Ohio-1413.

Clermont App. No. CA2016-02-101. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2016-1583. State ex rel. McCuller v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2016-1770. State ex rel. White v. Adult Parole Bd.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

Kennedy, French, O'Neill, Fischer, and DeWine, JJ., concur.

O'Connor, C.J., and O'Donnell, J., dissent and would grant an alternative writ.

2016-1847. May v. Delaware Cty. Court of Common Pleas, Juvenile Div.

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

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

2016-1850. State ex rel. Smith v. Dept. of Rehab. & Corr.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

2016-1862. Bedell v. Portage Cty. Court of Common Pleas.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2016-1907. In re Apparent Violation & Intent to Assess Forfeiture of Wylie.

Public Utilities Commission, No. 15-2029-TR-CVF. On appellant's motion to transfer appeal. Motion denied. On appellee's motion to dismiss. Motion granted. Cause dismissed.

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

2017-0030. State ex rel. Alexander v. McGinty.

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

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

2017-0046. State ex rel. Williams v. Smith.

In Procedendo and Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's amended verified motion for stay. Motion denied. On respondent's motion to strike relator's amended verified motion for stay. Motion denied.

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

2017-0048. Pryor v. Koukoutas.

In Habeas Corpus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On petitioner's motion to stay and motion to strike. Motions denied.

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

2017-0053. State ex rel. Jackson v. Ferguson.

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

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

2017-0070. State ex rel. Taylor v. Adult Parole Auth.

In Mandamus. On respondent Erie County Common Pleas Court's motion to dismiss and respondent Adult Parole Authority's amended Civ.R. 12(B)(6) motion to dismiss. Motions granted. Cause dismissed. On respondent Adult Parole Authority's motion to quash subpoena duces tecum and motion to stay discovery. Motions denied. On relator's motions for default judgment, motion for counsel re-request, and motion to amend mandamus. Motions denied.

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

2017-0075. Evans v. Stammitti.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2017-0112. State v. Cooper.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2017-0121. State ex rel. Hobbs v. Gilb.

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

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

2017-0197. State ex rel. Hayes v. Jones.

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

O'Donnell, Kennedy, French, O'Neill, Fischer, and DeWine, JJ., concur.
O'Connor, C.J., not participating.

MOTION AND PROCEDURAL RULINGS

2005-2284. State v. Bonnell.

Cuyahoga App. No. 223820. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2008-1974. State v. Stepp.

Butler App. No. CA200705117, 2008-Ohio-4305. On motion for order or relief. Motion denied.

2015-0435. State v. Stepp.

Butler App. No. CA2013-12-226. On motion for order or relief. Motion denied.

2015-1128. State v. Victor.

Geauga App. Nos. 2014-G-3220 and 2014-G-3241, 2015-Ohio-5520. On petition to advise. Petition denied.

2015-1717. State ex rel. Tolle v. Spherion of Mid-Ohio, Inc.

Franklin App. No. 14AP-717, 2015-Ohio-3593. On request for oral argument. Request denied.

2016-1110. Goldshtein v. Mohr.

In Habeas Corpus. On motion to strike. Motion denied.

2016-1115. State ex rel. Cincinnati Enquirer v. Pike Cty. Coroner's Office.

In Mandamus. On motion to submit documents for in camera inspection. Motion granted in part and denied in part. Respondent shall file the unredacted autopsy reports under seal within 14 days. No additional materials shall be submitted.

O'Connor, C.J., and O'Donnell, J., would grant the motion in full and permit respondent to file both the unredacted reports as well as additional material explaining the reasons for the proposed redaction.

French and DeWine, JJ., not participating.

2016-1153. State ex rel. GateHouse Media Ohio Holdings II, Inc. v. Pike Cty. Coroner's Office.

In Mandamus. On motion to submit documents for in camera inspection. Motion granted in part and denied in part. Respondent shall file the unredacted autopsy reports under seal within 14 days. No additional materials shall be submitted.

O'Connor, C.J., and O'Donnell, J., would grant the motion in full and permit respondent to file both the unredacted reports as well as additional material explaining the reasons for the proposed redaction.

French and DeWine, JJ., not participating.

2016-1713. Beaver Creek Towne Station, L.L.C. v. Greene Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2015-1488, 2015-1496, and 2015-1544. On appellee's motion to dismiss and motion to strike portions of memorandum in response to motion to dismiss. Motions denied.

O'Donnell, J., dissents and would grant the motion to dismiss and would dismiss the cause.

2017-0120. State v. James.

Seneca App. No. 13-16-17, 2016-Ohio-7825. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2017-0131. State v. Pippen.

Scioto App. No. 16CA3727, 2016-Ohio-7105. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2017-0132. State v. McGee.

Hamilton App. No. C-150496, 2016-Ohio-7510. On motion for leave to file delayed appeal. Motion fails for want of four votes.

Kennedy and O’Neill, JJ., dissent.
Fischer and DeWine, JJ., not participating.

2017-0139. State v. Fant.

Mahoning App. No. 14 MA 0067, 2016-Ohio-7429. On motion for leave to file delayed appeal. Motion denied.

French, O’Neill, and Fischer, JJ., dissent.

2017-0152. State v. Mann.

Ottawa App. No. OT-16-027. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

2017-0157. State v. Newman.

Muskingum App. No. CT2016-0002, 2016-Ohio-7498. On review of an order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

O’Neill, J., dissents.

2017-0162. State v. Rusnak.

Jefferson App. No. 15 JE 0002, 2016-Ohio-7820. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

2017-0196. State v. Elam.

Cuyahoga App. No. 103122, 2016-Ohio-5619. On motion for leave to file delayed appeal. Motion denied.

2017-0198. State v. Murphy.

Cuyahoga App. No. 102284. On motion for leave to file delayed appeal. Motion denied.

2017-0216. State v. Burnett.

Stark App. No. 2016CA00007, 2016-Ohio-7502. On motion for leave to file delayed appeal. Motion denied.

2017-0219. State v. Walker.

Stark App. No. 2016CA00076, 2016-Ohio-7314. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2017-0230. State v. Fox.

Delaware App. No. 15 CAA 10 0082, 2016-Ohio-3293. On motion for leave to file delayed appeal. Motion denied.

DeWine, J., dissents.

2017-0233. State v. Staats.

Stark App. No. 2014 CA 00197, 2016-Ohio-4650. On motion for leave to file delayed appeal. Motion denied.

2017-0245. State v. Toolles.

Hamilton App. No. C-1503222. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

2017-0258. State v. Taylor.

Cuyahoga App. No. 104284, 2016-Ohio-8311. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2017-0266. State v. Belton.

Mahoning App. No. 15 MA 0142, 2016-Ohio-8416. On motion for leave to file delayed appeal. Motion denied.

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

2017-0289. State v. Cremeans.

Muskingum App. No. CT2015-0062, 2016-Ohio-7930. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2016-1372. Schwartz v. Honeywell Internatl., Inc.

Cuyahoga App. No. 103377, 2016-Ohio-3175. Discretionary appeal accepted on proposition of law No. I.

Kennedy and French, JJ., would also accept the cause on proposition of law No. II.

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

2016-1462. State v. Gordon.

Cuyahoga App. No. 103494, 2016-Ohio-5407.

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

2017-0244. State v. Johnson.

Muskingum App. No. CT2016-0035, 2016-Ohio-7931. Cause accepted and held for decision in 2016-1652, *State v. Brown*, and briefing schedule stayed. On motion to stay court of appeals' decision. Motion granted.

French, O'Neill, and Fischer, JJ., dissent and would not accept the cause and would deny the motion to stay.

APPEALS NOT ACCEPTED FOR REVIEW

2015-2018. State v. Dunlap.

Hamilton App. No. C-140594, 2015-Ohio-4644.

DeWine, J., not participating.

2016-1266. State v. Neal.

Crawford App. No. 3-15-14, 2016-Ohio-3282.

2016-1293. State v. Turner.

Lake App. No. 2015-L-116, 2016-Ohio-4733.

2016-1305. Evans v. Avon.

Lorain App. No. 15CA010879, 2016-Ohio-5460.

Kennedy and French, JJ., dissent.

2016-1319. State v. Garcia.

Summit App. Nos. 27810 and 27811, 2016-Ohio-4667.

2016-1357. Marks v. Aurora Bd. of Zoning Appeals.

Portage App. No. 2015-P-0048, 2016-Ohio-5182.

Kennedy, J., dissents.

2016-1358. Marks v. Aurora Bd. of Zoning Appeals.

Portage App. No. 2015-P-0049, 2016-Ohio-5183.

Kennedy, J., dissents.

2016-1363. State v. Velazquez.

Muskingum App. No. CT2015-0043, 2016-Ohio-5203.

2016-1369. State v. Amegatcher.

Delaware App. No. 15 CAC 10 0081, 2016-Ohio-5198.

2016-1374. State v. Holt.

Cuyahoga App. No. 103772, 2016-Ohio-5246.

2016-1377. State v. Daniel.

Cuyahoga App. No. 103258, 2016-Ohio-5231.

2016-1391. Gattozzi v. Sheehan.

Cuyahoga App. No. 103246, 2016-Ohio-5230.

Kennedy, J., dissents.

2016-1398. Troja v. Pleatman.

Hamilton App. No. C-150746, 2016-Ohio-5294.

Fischer and DeWine, JJ., not participating.

2016-1399. State v. Johnson.

Hamilton App. Nos. C-150595 and C-150596, 2016-Ohio-4934.

Fischer and DeWine, JJ., not participating.

2016-1401. Fulmer v. W. Licking Joint Fire Dist.

Licking App. No. 16-CA-8, 2016-Ohio-5301.

O'Connor, C.J., dissents and would accept the cause on proposition of law No. I.

French, J., dissents.

Kennedy, J., not participating.

2016-1402. State v. Jones.

Cuyahoga App. No. 103495, 2016-Ohio-4565.

O'Neill and Fischer, JJ., dissent and would accept the cause on proposition of law Nos. I and III.

2016-1405. Wetzel v. Auto Owners Ins. Co.

Darke App. No. 2015-CA-25, 2016-Ohio-5355.

2016-1406. State v. Rose.

Preble App. No. CA2015-08-016, 2016-Ohio-5289.

2016-1408. Taft, Stettinius, & Hollister, L.L.P. v. Calabrese.

Hamilton App. No. C-150097, 2016-Ohio-4713.

O'Donnell, J., dissents.

Fischer, J., not participating.

2016-1410. Willig v. Willig.

Hamilton App. No. C-150722.

O'Donnell, J., dissents.

Fischer, J., not participating.

2016-1415. State v. Silka.

Ashtabula App. No. 2015-A-0053, 2016-Ohio-5784.

2016-1417. State v. Lein.

Cuyahoga App. No. 103954, 2016-Ohio-5330.

2016-1419. Resendez v. Allstate Ins. Co.

Ottawa App. No. OT-16-022.

2016-1420. State v. Tutt.

Cuyahoga App. No. 103181, 2016-Ohio-3259.

O'Donnell and French, JJ., dissent.

2016-1421. Partin v. C.S. White Industries, Inc.

Miami App. No. 2015-CA-23, 2016-Ohio-4894.

O'Donnell, J., dissents.

2016-1425. Kirila v. Kirila Contrs., Inc.

Trumbull App. No. 2015-T-0108, 2016-Ohio-5469.

2016-1430. Casares v. Mercy St. Vincent Med. Ctr.

Lucas App. No. L-15-1313, 2016-Ohio-5542.

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

2016-1446. State v. Aquila.

Cuyahoga App. No. 103889, 2016-Ohio-5140.

2016-1454. Paulozzi v. Iannotti.

Cuyahoga App. No. 103381, 2016-Ohio-5511.

2016-1459. State v. Norman.

Mahoning App. No. 2016 MA 0110.

O'Donnell, J., dissents and would accept the cause on proposition of law Nos. II and III.

2016-1471. Martin v. Durrani.

Butler App. No. CA20160022, 2016-Ohio-5472.

Fischer, J., not participating.

2016-1472. Martin v. Durrani.

Butler App. No. CA2016010023, 2016-Ohio-5472.

Fischer, J., not participating.

2016-1473. State v. Han.

Stark App. No. 2016CA00085, 2016-Ohio-5613.

2016-1480. State v. Thomas.

Summit App. No. 27698, 2016-Ohio-5507.

2016-1508. State v. Croom.

Mahoning App. No. 14 MA 0175, 2016-Ohio-5686.

2016-1516. State v. Brooks.

Mahoning App. No. 14 MA 0150, 2016-Ohio-5685.

French, J., dissents.

2016-1540. In re C.B.

Highland App. No. 16CA20, 2016-Ohio-7728.

2016-1597. State ex rel. Rarden v. Dept. of Rehab. & Corr.

Franklin App. No. 16AP-149, 2016-Ohio-7137.

2016-1602. Mills v. Westlake.

Cuyahoga App. No. 103643, 2016-Ohio-5836.

2016-1614. State v. Lusane.

Portage App. No. 2016-P-0009, 2016-Ohio-5886.

2016-1619. State v. Lewis.

Richland App. No. 15 CA 106, 2016-Ohio-7002.

2016-1621. State v. Bridges.

Cuyahoga App. Nos. 103634 and 104506, 2016-Ohio-7298.

2016-1630. State v. Croom.

Mahoning App. No. 15 MA 0110, 2016-Ohio-6997.

2016-1631. State v. Pawlak.

Cuyahoga App. No. 103444, 2016-Ohio-5926.

2016-1634. State v. Johnson.

Delaware App. No. 16CAA030011, 2016-Ohio-4617.

2016-1635. In re Estate of Leichman.

Warren App. No. 15-07-060, 2016-Ohio-4592.

2016-1670. State v. Sanders.

Ashland App. No. 15-COA-33, 2016-Ohio-7204.

2016-1680. Farmer v. Kidwell.

Knox App. No. 16CA07.

2016-1689. Jones v. Dept. of Rehab. & Corr.

Franklin App. No. 16AP-138, 2016-Ohio-5425.

2016-1691. Armatas v. Aultman Health Found.

Stark App. No. 2016CA00130, 2016-Ohio-7316.

2016-1692. State v. Dixon.

Montgomery App. No. 26873, 2016-Ohio-5538.

2016-1695. State v. Wofford.

Butler App. No. CA2016-03-057, 2016-Ohio-7188.

2016-1698. State v. Ingels.

Hamilton App. Nos. C-160295, C-160303, and C-160304.

O'Neill, J., dissents.

Fischer and DeWine, JJ., not participating.

2016-1699. Alford v. Crutchfield.

Warren App. No. CA2016-03-021, 2016-Ohio-7295.

2016-1716. State v. Davis.

Cuyahoga App. No. 103764, 2016-Ohio-7222.

2016-1718. State v. Young.

Erie App. No. E-16-044.

2016-1719. State v. Bubenchik.

Stark App. No. 2016 CA 00086, 2016-Ohio-7289.

2016-1724. State v. Daviduk.

Stark App. No. 2015CA00209, 2016-Ohio-7515.

2016-1725. Armatas v. Cleveland Clinic Found.

Stark App. No. 2016CA00123, 2016-Ohio-7315.

2016-1748. State v. Newman.

Muskingum App. No. CT2016-0002, 2016-Ohio-7498.
O'Neill, J., dissents.

2016-1751. State v. Evans.

Wayne App. No. 15AP0054, 2016-Ohio-7256.

2016-1763. State v. Diaz.

Lucas App. No. L-16-1104, 2016-Ohio-7526.

2016-1764. State v. Bronczyk.

Cuyahoga App. No. 104326, 2016-Ohio-7494.

2016-1791. State v. Yancey.

Clermont App. No. CA2016-05-029.

2016-1793. State v. Wooden.

Summit App. No. 28108, 2016-Ohio-7465.

2016-1795. State v. Bevins.

Hamilton App. No. C-150550.

Fischer and DeWine, JJ., not participating.

2016-1799. State v. Dukes.

Summit App. No. 27966, 2016-Ohio-5596.

2016-1807. State v. Hairston.

Franklin App. No. 16AP-220, 2016-Ohio-7511.

O'Donnell, J., not participating.

2017-0114. State v. Ezell.

Lucas App. No. L-15-1054.

2017-0129. In re Adoption of J.L.M-L.

Muskingum App. No. CT2016-0030, 2017-Ohio-61.

Fischer, J., dissents and would accept the cause on proposition of law No. I.

2017-0182. State v. Castagnola.

Summit App. No. 26185. Motion to remand denied as moot.

2017-0209. Dept. of Natural Resources v. Thomas.

Mercer App. No. 10-16-05, 2016-Ohio-8406. Motion for stay denied as moot.

2017-0253. State v. Payne.

Butler App. No. CA2015-12-219, 2016-Ohio-5470.

2017-0260. In re C.M.

Clermont App. No. CA2016-07-051, 2017-Ohio-57.

O'Neill, J., dissents.

2017-0275. State v. Battiste.

Cuyahoga App. No. 102299, 2017-Ohio-83.

RECONSIDERATION OF PRIOR DECISIONS

2016-1130. Hixon v. Gipson.

Hamilton App. Nos. C-150767 and C-150768. Reported at 147 Ohio St.3d 1506, 2017-Ohio-261, 67 N.E.3d 823. On motion for reconsideration. Motion denied.

Fischer and DeWine, JJ., not participating.

2016-1268. Snowden v. Ekeh.

Montgomery App. No. 26688, 2016-Ohio-4976. Reported at 148 Ohio St.3d 1415, 2017-Ohio-664, 70 N.E.3d 599. On motion for reconsideration. Motion denied.

2016-1327. State v. Davic.

Franklin App. No. 15AP-1000, 2016-Ohio-4883. Reported at 147 Ohio St.3d 1508, 2017-Ohio-261, 67 N.E.3d 824. On motion for reconsideration. Motion denied.

2016-1701. State ex rel. Ebersole v. Powell City Council.

In Mandamus. Reported at __ Ohio St.3d __, 2017-Ohio-509, __ N.E.3d __. On motion for reconsideration. Motion denied.

2016-1704. State ex rel. Williams v. Trim.

Union App. No. 14-13-18. Reported at 147 Ohio St.3d 1511, 2017-Ohio-366, 68 N.E.3d 818. On motion for reconsideration. Motion denied. On motion to reclassify extension motion. Motion denied as moot.

2016-1863. State ex rel. Fockler v. Husted.

In Mandamus. Reported at __ Ohio St.3d __, 2017-Ohio-224, __ N.E.3d __. On motion for reconsideration. Motion denied. On motion to strike incorrect statement. Motion denied.