

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 25, 2017

[Cite as *01/25/2017 Case Announcements, 2017-Ohio-261.*]

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## MERIT DECISIONS WITH OPINIONS

**2015-1608. Zillow v. Bosel, Slip Opinion No. 2017-Ohio-260.**

In Mandamus. Cause dismissed as moot.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2015-1904. Lorrington v. Cleveland.**

In Mandamus. On answer of respondent. Sua sponte, an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05.

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relators shall file a brief within 10 days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relators' brief; and relators may file a reply brief within 7 days after the filing of respondent's brief.

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

**2016-0936. Field v. Mohr.**

In Habeas Corpus. On amended petition for writ of habeas corpus of Dale P. Field Jr. Sua sponte, cause dismissed.

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

**2016-1110. Goldshtein v. Mohr.**

In Habeas Corpus. On amended petition for writ of habeas corpus of Feliks Goldshtein. Sua sponte, cause dismissed. On motion for bail and motion to expedite. Motions denied as moot.

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

**2016-1344. Payne v. State.**

In Habeas Corpus. On amended petition for writ of habeas corpus of Michael A. Payne. Sua sponte, cause dismissed. On motion for leave to amend complaint, motions for leave to file, and motion for leave to give clerk address and name of respondent. Motions denied as moot.

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

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

**2016-1378. Schlosser v. Tibbels.**

In Habeas Corpus. On petition for writ of habeas corpus of Matthew Todd Schlosser. Sua sponte, cause dismissed.

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

**2016-1403. Snowden v. Bracy.**

In Habeas Corpus. On petition for writ of habeas corpus of William Snowden Jr. Sua sponte, cause dismissed.

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

**2016-1563. State ex rel. West v. Greven.**

In Mandamus. On complaint in mandamus of Jason West. Cause dismissed.

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

**2016-1566. State ex rel. Barron v. Hamilton Cty. Clerk of Courts.**

In Mandamus. On complaint in mandamus of Cameron Barron. On response to petition for writ of mandamus. Cause dismissed.

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

Fischer, J., not participating.

**2016-1580. State ex rel. Garner v. Eleventh Dist. Court of Appeals Judges.**

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.

**2016-1609. McCarthy v. State.**

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

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

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

**2016-1682. Green v. State.**

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.

## **MOTION AND PROCEDURAL RULINGS**

**2015-1480. State v. Bailey.**

Hamilton App. No. C-140129, 2015-Ohio-2997. On motion to rule in favor of the plaintiff. Motion denied.

DeWine, J., not participating.

**2016-1184. Parrott v. Ohio State Med. Bd.**

Franklin App. No. 15-AP-963, 2016-Ohio-4635. On motion to stay adjudication order. Motion granted.

**2016-1702. State v. Warren.**

Cuyahoga App. No. 104018, 2016-Ohio-5933. On motion for leave to file delayed appeal. Motion denied.

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

**2016-1720. State v. Broderson.**

Cuyahoga App. No. 103724, 2016-Ohio-5839. On motion for leave to file delayed appeal. Motion denied.

**2016-1729. State v. Taylor.**

Lucas App. No. L-15-1151, 2016-Ohio-5862. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2016-1741. State v. Hardman.**

Hamilton App. No. C-150549. On motion for leave to file delayed appeal. Motion granted.

O'Donnell, J., dissents.

Fischer and DeWine, JJ., not participating.

**2016-1859. Bank of New York Mellon v. Broyles.**

Mahoning App. No. 16 MA 0093. On motion for stay of execution. Motion denied.

**2016-1876. Premier Therapy, L.L.C. v. Childs.**

Columbiana App. Nos. 2014 CO 0048 and 2015 CO 0028, 2016-Ohio-7934. On motion for stay of execution. Motion granted and bond posted with Columbiana County Clerk of Courts continued.

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

**APPEALS ACCEPTED FOR REVIEW**

**2016-1116. Lightning Rod Mut. Ins. Co. v. Southworth.**

Scioto App. No. 15CA3704, 2016-Ohio-3473.

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

**2016-1122. Reid v. Cleveland Police Dept.**

Cuyahoga App. No. 103781, 2016-Ohio-3466.

French, O'Neill, and DeWine, JJ., dissent.

**2016-1195. In re D.H.**

Montgomery App. No. 27074, 2016-Ohio-5265. It is ordered by the court, sua sponte, that this cause is consolidated with 2016-1197, *In re D.H.*, and that the briefing in 2016-1195 and 2016-1197 shall be consolidated.

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

**2016-1197. In re D.H.**

Montgomery App. No. 27075. It is ordered by the court, sua sponte, that this cause is consolidated with 2016-1195, *In re D.H.*, and that the briefing in 2016-1195 and 2016-1197 shall be consolidated.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2015-1917. State v. McKelton.**

Butler App. No. CA2015-02-028, 2015-Ohio-4228.

French, J., dissents and would accept the cause on Proposition of Law No. III.

O'Neill, J., dissents.

**2016-0781. State v. Hamlin.**

Summit App. No. 27650, 2016-Ohio-1196.

**2016-0946. State v. McKelton.**

Butler App. No. CA2015-10-183, 2016-Ohio-3216.

**2016-0978. State v. Beckwith.**

Cuyahoga App. No. 102544, 2016-Ohio-3267.

**2016-1101. State v. Costell.**

Union App. No. 14-15-11, 2016-Ohio-3386.

**2016-1108. State v. Harris.**

Franklin App. No. 15AP-683, 2016-Ohio-3424.

**2016-1117. Prime Equip. Group, Inc. v. Schmidt.**

Franklin App. No. 15AP-584, 2016-Ohio-3472.

**2016-1124. State v. Pompey.**

Hamilton App. No. C-150479, 2016-Ohio-4610.

Fischer and DeWine, JJ., not participating.

**2016-1128. Canton v. Burns.**

Stark App. Nos. 2015CA00163 and 2015CA00164, 2016-Ohio-4885.

**2016-1129. Shuster v. Jenkins.**

Ross App. No. 15CA3516, 2016-Ohio-4676.

**2016-1130. Hixon v. Gipson.**

Hamilton App. No. C-150767 and C-150768.

Fischer and DeWine, JJ., not participating.

**2016-1139. State v. Neal.**

Franklin App. No. 15AP-771, 2016-Ohio-1406.

French and O'Neill, JJ., dissent.

**2016-1140. State v. L.B.S.**

Franklin App. No. 14AP-994, 2016-Ohio-3527.

**2016-1142. RHDK Oil & Gas, L.L.C. v. Dye.**

Harrison App. No. 14 HA 0019, 2016-Ohio-4654.

**2016-1146. State v. Perry.**

Montgomery App. No. 26874, 2016-Ohio-4582.

**2016-1152. Carter v. Gerbec.**

Summit App. No. 27712, 2016-Ohio-4666.

O'Neill, J., dissents.

**2016-1154. State v. Neil.**

Franklin App. Nos. 14AP-981 and 15AP-594, 2016-Ohio-4762.

**2016-1155. State v. Johnston.**

Franklin App. No. 15AP-512, 2016-Ohio-4553.

**2016-1163. State v. Kaiser.**

Greene App. No. 2015-CA-47, 2016-Ohio-4890.

**2016-1166. Kinder Morgan Cochin, L.L.C. v. Simonson.**

Ashland App. No. 15 COA 044, 2016-Ohio-4647.

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

Kennedy, J., dissents.

**2016-1167. Lehigh Gas-Ohio, L.L.C. v. Cincy Oil Queen City, L.L.C.**

Hamilton App. No. C-150572, 2016-Ohio-4611.  
Fischer and DeWine, JJ., not participating.

**2016-1169. State v. Burns.**

Licking App. No. 15-CA-98, 2016-Ohio-4833.

**2016-1175. Cleveland v. Merritt.**

Cuyahoga App. No. 103275, 2016-Ohio-4693.  
O'Donnell and French, JJ., dissent.

**2016-1179. State v. Kotomski.**

Ashtabula App. No. 2015-A-0047, 2016-Ohio-4731.

**2016-1200. Holland v. Gas Entcs., Co.**

Washington App. No. 15CA42, 2016-Ohio-4792.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law Nos. II and IV and hold the cause for the decision in 2016-0623, *Schultheiss v. Heinrich Entcs., Inc.*

Kennedy, J., dissents.

**2016-1211. Grenga v. Vantell.**

Mahoning App. No. 14 MA 0011, 2016-Ohio-4804.

**2016-1218. In re M.B.**

Ashland App. No. 15-COA-028, 2016-Ohio-4780.

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

**2016-1219. In re C.B.**

Ashland App. No. 15-COA-027, 2016-Ohio-4779.

O'Connor, C.J., and O'Neill, J., dissent and would accept the appeal and hold the cause for the decision in 2016-1218, *In re M.B.*

**2016-1234. Williams v. Matthews.**

Cuyahoga App. No. 103501, 2016-Ohio-3461.

**2016-1238. State v. Kalman.**

Ashland App. No. 15 COA 041, 2016-Ohio-5013.

**2016-1244. State v. Williams.**

Summit App. No. 27963, 2016-Ohio-4943.

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

**2016-1251. State v. Webb.**

Montgomery App. No. 26847, 2016-Ohio-4896.

**2016-1259. State v. Tayse.**

Summit App. No. 23978.

Fischer, J., dissents.

**2016-1260. State v. Keith.**

Cuyahoga App. Nos. 102981, 103006, and 103009, 2016-Ohio-3056.

**2016-1271. State v. Stephens.**

Summit App. No. 27957, 2016-Ohio-4942.

**2016-1274. State v. Coley-Carr.**

Cuyahoga App. No. 104643.

**2016-1275. State v. McDougald.**

Scioto App. No. 16CA3736, 2016-Ohio-5080.

**2016-1280. State v. Reaves.**

Stark App. No. 2016CA00126.

**2016-1283. State v. Ouyang.**

Athens App. No. 15CA35, 2016-Ohio-5103.

**2016-1286. Karnofel v. Nye.**

Trumbull App. No. 2015-T-0126, 2016-Ohio-3406.

**2016-1289. State v. Biggs.**

Stark App. Nos. 2016CA00024 and 2016CA00025, 2016-Ohio-5305.

**2016-1298. State v. Mitchell.**

Muskingum App. No. CT2015-0055, 2016-Ohio-5149.

**2016-1301. Calo v. Eppinger.**

Lorain App. No. 15CA010854, 2016-Ohio-4681. Motion to dismiss denied as moot.



French, J., dissents and would accept the cause and grant the motion to dismiss.

**2016-1313. State v. Washington.**

Cuyahoga App. No. 103875, 2016-Ohio-5329.

**2016-1314. State v. Hilliard.**

Cuyahoga App. No. 102214, 2016-Ohio-2828.

**2016-1321. State v. Siddle.**

Muskingum App. No. CT 2016-0029.

**2016-1323. State v. Smith.**

Gallia App. No. 15CA2, 2016-Ohio-5374.

**2016-1327. State v. Davic.**

Franklin App. No. 15AP-1000, 2016-Ohio-4883.

**2016-1346. State v. Gopp.**

Wayne App. No. 15AP0046, 2016-Ohio-5088.

**2016-1355. State v. Swogger.**

Stark App. No. 2016CA00145.

**2016-1367. State v. Black.**

Richland App. No. 16 CA 4, 2016-Ohio-5612.

**2016-1371. State v. Ridder.**

Hamilton App. No. C-150460, 2016-Ohio-5195.

Fischer and DeWine, JJ., not participating.

**2016-1424. State v. Rock.**

Lake App. No. 2015-L-047, 2015-Ohio-4639.

**2016-1431. State v. Fields.**

Muskingum App. No. CT2015-0031, 2016-Ohio-1217.

**2016-1432. State v. Gibson.**

Stark App. No. 2016CA00070, 2016-Ohio-6983.

**2016-1456. State v. Morris.**

Hamilton App. No. C-150421, 2016-Ohio-5490.  
Fischer and DeWine, JJ., not participating.

**2016-1628. State v. Davis.**

Lucas App. No. L-14-1274, 2015-Ohio-5159.

**2016-1678. State v. Clark.**

Hamilton App. No. C-150318, 2016-Ohio-948.  
DeWine, J., not participating.

**2016-1688. State v. Perry.**

Richland App. Nos. 13CA56, 14CA27, and 14CA28, 2015-Ohio-779.

**2016-1700. State v. Wilson.**

Holmes App. No. 15CA15, 2015-Ohio-5588.

**2016-1747. In re K.T.**

Lorain App. No. 16CA010956, 2016-Ohio-7366.

**2016-1828. In re Adoption of K.N.S.**

Medina App. No. 16CA0035-M, 2016-Ohio-7427.  
Kennedy, O'Neill, and DeWine, JJ., dissent.

**RECONSIDERATION OF PRIOR DECISIONS**

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

In Mandamus. Reported at 147 Ohio St.3d 1444, 2016-Ohio-7854, 63 N.E.3d 1213. On motion for reconsideration. Motion denied. On motion for objection/complaint. Motion denied as moot.

**2016-1412. State ex rel. Davie v. Calabrese.**

Cuyahoga App. No. 104205, 2016-Ohio-5420. Reported at 147 Ohio St.3d 1452, 2016-Ohio-8021, 64 N.E.3d 997. On motion for reconsideration. Motion denied.  
French and O'Neill, JJ., dissent.