

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

May 31, 2017

[Cite as *05/31/2017 Case Announcements*, 2017-Ohio-4038.]

---

## MERIT DECISIONS WITH OPINIONS

**2015-0742. Toledo Bar Assn. v. Harvey, Slip Opinion No. 2017-Ohio-4022.**

On Certified Report by the Board of Professional Conduct, No. 2015-004. Beauregard Maximillion Harvey, Attorney Registration No. 0078717, is hereby permanently disbarred from the practice of law.

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

Kennedy, French, and O'Neill, JJ., dissent and would indefinitely suspend the respondent and deny credit for time served under other suspensions.

**2016-1243. In re Application of Coll, Slip Opinion No. 2017-Ohio-4023.**

On Report by the Board of Commissioners on Character and Fitness, No. 643. Shamir Lee Coll's application for admission to the practice of law in Ohio is disapproved, but he may apply to take the July 2018 bar examination.

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

O'Donnell, J., concurs in part and dissents in part, with an opinion joined by O'Connor, C.J.

## MERIT DECISIONS WITHOUT OPINIONS

**2016-0747. State ex rel. Beavercreek Twp. Fiscal Officer v. Graff.**

In Mandamus. On motion to dismiss. Motion denied. Alternative writ granted. Briefing schedule 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; relator 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 relator's brief; and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

O'Donnell, J., dissents.

**2016-1776. State ex rel. Hogan Lovells US, L.L.P. v. Dept. of Rehab. & Corr.**

In Mandamus. On motion to dismiss. Motion denied. Alternative writ granted. Briefing schedule 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; relator 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 relator's brief; and relator 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.

**2017-0237. Turner v. State.**

In Habeas Corpus. Sua sponte, cause dismissed. On petitioner's motion to be conveyed and motion to dismiss all cases or charges. Motions denied.

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

**2017-0288. State ex rel. Dillard v. Burge.**

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.

**2017-0350. State ex rel. Griffin v. Greene.**

In Mandamus. On motion to dismiss. Motion denied. Alternative writ granted. Briefing schedule 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; relator 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 relator's brief; and relator may file a reply brief within 7 days after the filing of respondent's brief.

Attorney Albert G. Lin is appointed to represent relator, pro bono.

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

**2017-0352. State ex rel. Walker v. Erdos.**

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.

**2017-0385. Ackerman v. Bank of New York Mellon.**

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion for immediate expedited stay of sale proceedings and stay of collections. Motions denied as moot.

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

**2017-0417. State ex. rel. Lopez v. Summit Cty. Clerk of Courts.**

In Mandamus. On respondent's motion to dismiss. Motion denied. Alternative writ granted. Briefing schedule 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; relator 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 relator's brief; and relator 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, and DeWine, JJ., concur.

Fischer, J., concurs in part and dissents in part and would grant the motion to dismiss.

**2017-0419. Tucker v. Frary.**

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.

**2017-0435. Jones v. Krueger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2017-0454. Briscoe 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.

**2017-0456. State ex rel. Burse v. Fisher [sic].**

In Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

## **MOTIONS AND PROCEDURAL RULINGS**

**2017-0437. State v. Harris.**

Cuyahoga App. No. 99919, 2014-Ohio-925. On motion for leave to file delayed appeal. Motion denied.

**2017-0455. State v. Howard.**

Richland App. No. 15CA26, 2016-Ohio-4786. On motion for leave to file delayed appeal. Motion denied.

**2017-0466. State v. Allen.**

Lucas App. No. L-14-1078, 2016-Ohio-2742. On motion for leave to file delayed appeal. Motion denied.

**2017-0479. JP Morgan Chase Bank, N.A. v. Liggins.**

Franklin App. No. 15AP-242, 2016-Ohio-3528. On motion for stay pending appeal. Motion denied. On motion to cancel sheriff's sale. Motion denied.

French, J., not participating

**2017-0498. State v. Mosher.**

Pike App. No. 10CA815. On motion for leave to file delayed appeal. Motion denied.

**2017-0502. State v. Walker.**

Crawford App. No. 3-16-07. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2017-0581. Hashash v. Food Mart Plus, Inc.**

Cuyahoga App. No. 104552, 2017-Ohio-1158. On motion for stay of court of appeals' decision. Motion granted and bond posted with trial court continued.  
O'Connor, C.J., and O'Donnell and DeWine, JJ., dissent.

### **APPEALS ACCEPTED FOR REVIEW**

**2016-1629. Thomasson v. Thomasson.**

Cuyahoga App. No. 104579.  
O'Donnell and DeWine, JJ., dissent.

**2017-0032. State v. Stevens.**

Muskingum App. No. CT2016-0055, 2016-Ohio-8568. Discretionary appeal accepted and held for decision in 2016-0215, *State v. Grimes*, and briefing schedule stayed.

### **APPEALS NOT ACCEPTED FOR REVIEW**

**2016-1559. State v. Watkins.**

Lucas App. No. L-15-1213, 2016-Ohio-5756.  
O'Donnell and O'Neill, JJ., dissent.

**2016-1561. Leibowitz v. State Farm Ins. Co.**

Summit App. No. 27863, 2016-Ohio-5690.  
O'Neill, J., dissents.

**2016-1564. Nick v. Cooper.**

Franklin App. No. 15AP-1109, 2016-Ohio-5678.  
O'Donnell, J., dissents.

**2016-1565. State v. Hopper.**

Licking App. Nos. 15-CA-92, 15-CA-93, 15-CA-94, 15-CA-95, and 15-CA-96, 2016-Ohio-5760.

**2016-1567. Thyroff v. Nationwide Mut. Ins. Co.**

Franklin App. No. 15AP-1043, 2016-Ohio-5715.

**2016-1570. State v. Bolton.**

Cuyahoga App. No. 103628, 2016-Ohio-5706.

French, J., dissents.

**2016-1573. State v. Sylvester.**

Cuyahoga App. No. 103841, 2016-Ohio-5710.

**2016-1577. State v. Cockrell.**

Hamilton App. No. C-150497, 2016-Ohio-5797.

O'Connor, C.J., and O'Neill, J., dissent and would accept the cause on proposition of law No. III and hold the cause for the decision in 2015-0677, *State v. Aalim*.

DeWine, J., not participating.

**2016-1578. State v. Chappell.**

Hamilton App. No. C-150504.

O'Connor, C.J., dissents and would accept the cause on proposition of law Nos. II and III and hold the cause on proposition of law No. III for the decision in 2015-0677, *State v. Aalim*.

O'Neill, J., dissents and would accept the cause and hold it for the decision in 2015-0677, *State v. Aalim*.

DeWine, J., not participating.

**2016-1585. State v. Banger.**

Geauga App. No. 2015-G-0021, 2016-Ohio-4596.

**2016-1586. Goodrich Corp. v. PolyOne Corp.**

Summit App. No. 27691, 2016-Ohio-1068.

French, J., dissents and would accept the appeal and cross-appeal.

**2016-1590. State v. Speed.**

Cuyahoga App. No. 103953. Motion to dismiss denied as moot.

O'Donnell, J., dissents.

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

**2016-1594. State v. Gray.**

Montgomery App. No. 26473, 2016-Ohio-5869.

O'Neill, J., dissents.

**2016-1601. In re D.L.**

Cuyahoga App. No. 103553, 2016-Ohio-5834.

**2016-1603. Vctor v. Cliffs Natural Resources, Inc.**  
Cuyahoga App. No. 104023, 2016-Ohio-5846.

**2016-1604. State v. Haugabrook.**  
Cuyahoga App. No. 103693, 2016-Ohio-5838.  
O'Donnell, J., dissents.

**2016-1605. State v. Manning.**  
Cuyahoga App. No. 103879, 2016-Ohio-5841.

**2016-1606. State v. Scarberry.**  
Franklin App. No. 15AP-775, 2016-Ohio-7065.  
DeWine, J., dissents.

**2016-1607. Glenn v. Columbus.**  
Franklin App. No. 16AP-15, 2016-Ohio-7011.  
Kennedy, J., dissents.

**2016-1611. State v. Thurman.**  
Meigs App. No. 15CA4, 2016-Ohio-7254.

**2016-1612. Stepp v. Medina City School Dist. Bd. of Edn.**  
Medina App. Nos. 15CA0071-M and 15CA0073-M, 2016-Ohio-5875. Motion to consolidate denied.  
O'Donnell, Kennedy, and French, JJ., dissent.

**2016-1616. State v. Tannert.**  
Cuyahoga App. No. 103550, 2016-Ohio-7046.

**2016-1626. State v. Elifritz.**  
Preble App. No. CA2016-02-002, 2016-Ohio-7193.

**2016-1627. Flynn v. State Med. Bd. of Ohio.**  
Franklin App. No. 16AP-29, 2016-Ohio-5903.  
O'Donnell, J., dissents.  
French, J., not participating.

**2016-1637. State v. Weimer.**  
Lake App. No. 2013-L-005, 2016-Ohio-3116.

**2016-1645. State v. Geary.**

Hamilton App. No. 160195, 2016-Ohio-7001.  
Fischer, J., not participating.

**2016-1650. State v. Sands.**

Lake App. No. 2015-L-134, 2016-Ohio-7150.

**2016-1655. State v. Gaver.**

Stark App. No. 2015CA00204, 2016-Ohio-7055.  
French, J., not participating.

**2016-1663. Rownd v. Marcelli.**

Stark App. No. 2015 CA 00154, 2016-Ohio-7142.  
Kennedy and O'Neill, JJ., dissent.

**2016-1673. US Bank, Natl. Assn. v. Parker.**

Knox App. No. 15-CA-16.  
Kennedy, J., dissents.

**2016-1676. State v. Barker.**

Hamilton App. No. C-130214, 2016-Ohio-7059.  
O'Connor, C.J., and O'Neill, J., dissent.  
DeWine, J., not participating.

**2016-1681. State v. Johnson.**

Scioto App. No. 16CA3733, 2016-Ohio-7036.  
French, O'Neill, and Fischer, JJ., dissent.

**2016-1703. State v. Angel.**

Hamilton App. No. C-150533.  
Fischer, J., not participating.

**2016-1706. State v. Dominguez.**

Hamilton App. No. C-150710.  
O'Neill, J., dissents.  
Fischer and DeWine, JJ., not participating.

**2016-1715. In re L.S.**

Hamilton App. No. C-150526, 2016-Ohio-5582.  
French, J., dissents.

Fischer, J., not participating.

**2016-1721. State v. Shalash.**

Hamilton App. No. C-150614.

Fischer and DeWine, JJ., not participating.

**2016-1735. State v. Simes.**

Cuyahoga App. No. 103672, 2016-Ohio-7300.

French, J., dissents.

**2016-1746. State v. Sferro.**

Medina App. No. 15CA0035-M, 2016-Ohio-7257.

**2016-1806. Stepp v. Medina City School Dist. Bd. of Edn.**

Medina App. Nos. 15CA0071-M and 15CA0073-M, 2016-Ohio-5875. Motion to consolidate denied.

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

**2017-0013. State v. Shaw.**

Clermont App. No. CA2016-09-064.

**2017-0018. Evans v. Quest Diagnostics, Inc.**

Hamilton App. No. C-160370.

Fischer and DeWine, JJ., not participating.

**2017-0019. State v. Profanchik.**

Mahoning App. No. 16 MA 0175.

**2017-0023. State v. Shank.**

Medina App. No. 14CA0090-M, 2016-Ohio-7819.

DeWine, J., dissents and would accept the cause on proposition of law No. IV.

**2017-0031. State v. Mann.**

Sandusky App. No. S-16-039.

**2017-0036. State v. Cowan.**

Cuyahoga App. No. 103855, 2016-Ohio-8045.

**2017-0069. State v. King.**

Muskingum App. No. CT2015-0058, 2016-Ohio-2788.

**2017-0083. State v. Norfleet.**

Coshocton App. No. 2016CA0009, 2016-Ohio-8236.

**2017-0095. State v. Underwood.**

Hamilton App. No. C-150380.

Fischer and DeWine, JJ., not participating.

**2017-0097. Deutsche Bank Natl. Trust Co. v. Taylor.**

Summit App. No. 28069, 2016-Ohio-7090.

**2017-0111. State v. Walker.**

Richland App. No. 09CA88, 2016-Ohio-8615.

**2017-0113. State v. Conley.**

Marion App. No. 9-16-10, 2016-Ohio-8408.

**2017-0116. State v. Hopkins.**

Butler App. No. CA2016-09-178.

**2017-0117. State v. Wade.**

Jefferson App. No. 14 JE 0036, 2016-Ohio-8546.

**2017-0123. Abrams v. Grenny Properties, L.L.C.**

Cuyahoga App. No. 104452, 2016-Ohio-8303.

**2017-0126. State v. Barnes.**

Muskingum App. No. CT2016-0024, 2016-Ohio-8247.

**2017-0127. State v. Chapman.**

Cuyahoga App. No. 104379, 2016-Ohio-8151.

**2017-0128. State v. Moody.**

Montgomery App. No. 26926, 2016-Ohio-8366.

**2017-0130. State v. Dodson.**

Franklin App. No. 16AP-160, 2016-Ohio-5953.

**2017-0134. State v. Carter.**

Cuyahoga App. No. 104351, 2016-Ohio-8150.  
O'Donnell, Fischer, and DeWine, JJ., dissent.

**2017-0136. State v. Poulton.**

Muskingum App. No. CT2016-0023, 2017-Ohio-60.

**2017-0144. State v. Freeman.**

Cuyahoga App. No. 103660, 2016-Ohio-8143.

**2017-0151. State v. Green.**

Trumbull App. No. 2016-T-0101, 2017-Ohio-160.

**2017-0158. State v. Kelly.**

Athens App. No. 15CA11, 2016-Ohio-8582.  
O'Donnell, J., dissents.

**2017-0170. Krohn v. Krohn.**

Wood App. No. WD-16-010, 2016-Ohio-8379.

**2017-0172. State v. Dennison.**

Franklin App. No. 15AP-592, 2016-Ohio-8361.

**2017-0189. State v. Degenero.**

Trumbull App. No. 2015-T-0104, 2016-Ohio-8514.

**2017-0242. State ex rel. Curtis v. Vital Statistics Registrar, Brown Cty. Health Dept.**

Brown App. No. CA2017-01-001.  
French, J., dissents.

**2017-0262. State v. Warman.**

Butler App. No. CA2016-02-029, 2017-Ohio-244.

**2017-0329. State v. Finnell.**

Hamilton App. Nos. C-140547 and C-140548.

**2017-0335. State v. Connally.**

Franklin App. No. 16AP-53.

**2017-0340. State v. Jackson.**

Lorain App. No. 14CA010555.

**2017-0349. State v. Milner.**

Erie App. No. E-14-113.

**2017-0394. State v. Fishel.**

Stark App. No. 2016 CA 00037.

**2017-0407. State v. Nitsche.**

Cuyahoga App. No. 103174, 2017-Ohio-529.

**2017-0441. State v. Black.**

Cuyahoga App. No. 102586, 2017-Ohio-953.

**2017-0444. State v. Worley.**

Cuyahoga App. No. 103105, 2017-Ohio-649.