

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

September 13, 2017

[Cite as *09/13/2017 Case Announcements #2, 2017-Ohio-7567.*]

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## MERIT DECISIONS WITH OPINIONS

**2014-0799. *Corrigan v. Illum. Co.*, Slip Opinion No. 2017-Ohio-7555.**

Public Utilities Commission, No. 09-492-EL-CSS. Decision affirmed.

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

O'Donnell, J., concurs in judgment only.

DeWine, J., dissents, with an opinion joined by Fischer, J.

**2014-1922. *State v. Martin*, Slip Opinion No. 2017-Ohio-7556.**

Trumbull C.P. No. 2012 CR 735. Judgment affirmed.

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

O'Neill, J., concurs in part and dissents in part for the reasons set forth in his dissenting opinion in *State v. Wogenstahl*, 134 Ohio St.3d 1437, 2013-Ohio-164, N.E.2d 900.

**2015-0924. *State v. Morgan*, Slip Opinion No. 2017-Ohio-7565.**

Franklin App. No. 13AP-620, 2014-Ohio-5661. Judgment affirmed.

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

O'Connor, C.J., dissents, with an opinion joined by French and O'Neill, JJ.

**2016-0080. *In re Complaints of Lycourt-Donovan v. Columbia Gas of Ohio, Inc.*, Slip Opinion No. 2017-Ohio-7566.**

Public Utilities Commission, Nos. 12-2877-GA-CSS, 13-124-GA-CSS, and 13-667-GA-CSS. Orders affirmed.

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

DeWine, J., concurs in judgment only.

## MERIT DECISIONS WITHOUT OPINIONS

### **2016-1394. Johnson v. Shaker Hts. Mun. Court.**

In Mandamus. On relator's motion to join Ohio Bureau of Motor Vehicles as a party. Motion granted. Relator shall file an amended complaint in mandamus within 21 days that contains a specific statement of facts upon which the claim for relief is based as to the joined respondent. Joined respondent shall file an answer to the amended complaint or a motion to dismiss within 21 days of the filing of the complaint.

On respondent Shaker Heights Municipal Court's motion to dismiss. Motion granted. Cause dismissed as to Shaker Heights Municipal Court.

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

O'Donnell, J., dissents.

DeWine, J., dissents in part and would deny relator's motion to join party.

### **2016-1486. Sunoco Pipeline, L.P. v. Teter.**

Harrison App. Nos. 16 HA 0002 and 16 HA 0005, 2016-Ohio-7073. On appellee's motion to dismiss. Motion granted. Cause dismissed. On appellee's motion to strike. Motion denied as moot.

French and O'Neill, JJ., dissent and would deny appellee's motion to dismiss and grant appellee's motion to strike.

### **2017-0389. State ex rel. Armatas v. Haas.**

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed. On motions for leave to intervene as respondents. Motions denied as moot.

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

### **2017-0399. May v. Dir., Dept. of Job & Family Servs.**

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.

**2017-0494. State ex rel. Walker v. Yount.**

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed. On relator's motion to expedite proceedings. Motion denied as moot.

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

**2017-0633. State ex rel. Staats v. Canton.**

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motion to disregard and strike respondent's response. Motion denied as moot.

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

**2017-0661. State v. Robinson.**

In Habeas Corpus. Sua sponte, cause dismissed. On petitioner's motion for release upon bail during pending proceedings. Motion denied as moot.

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

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

**2017-0673. State ex rel. Knuckles v. Judges of the 4th Dist. & 9th Dist. Courts of Appeals.**

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

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

**2017-0692. May v. Dir., Dept. of Job & Family Servs.**

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relators' motion to amend complaint and join respondent. Motion denied.

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

O'Donnell, J., dissents and would deny the motions to dismiss, grant the motion to amend complaint and join respondent, and grant an alternative writ.

Kennedy and French, JJ., dissent in part and would grant relators' motion to amend complaint and join respondent and would order joined respondent to file an answer to the amended complaint or a motion to dismiss within 21 days of the filing of the complaint.

**2017-0723. Rock v. Bracy.**

In Habeas Corpus. Sua sponte, cause dismissed. On application for default judgment. Application denied.

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

**2017-0745. Frett v. Marques.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2017-0746. Clark v. Adult Parole Auth.**

Miscellaneous case. 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.

**2017-0772. State ex rel. Stairhime v. Schmenk.**

In Procedendo. 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.

**2017-0776. State ex rel. Johnson v. Gormley.**

In Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motion to file correction, motion to invoke discovery, motion for leave of court to be relieved of electronic-filing requirement, motion for default judgment, motion for sanctions, and motion for judicial notice. Motions denied as moot. On respondents' motion to stay discovery. Motion denied as moot.

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

French, J., dissents in part and would deny the motion to dismiss of respondent Judge David M. Gormley.

**2017-0797. State ex rel. Totten v. Life-Smith.**

In Mandamus. On respondent's motion for judgment on pleadings. Motion granted. Cause dismissed.

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

**2017-0818. Artripe v. Wetzel.**

In Procedendo. 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.

**2017-0843. State ex rel. Miller v. Rapp.**

In Mandamus and Prohibition. On respondents' motions to dismiss. Motions granted. On relator's response to strike or deny motion or set oral argument and relator's emergency motion to access property. Motions denied as moot.

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

**2017-0845. Davis v. Scott.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2017-0848. Gerald v. State.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2017-0851. In re Ala El.**

In Quo Warranto. 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.

**2017-0880. State ex rel. Electronic Classroom of Tomorrow v. State Bd. of Edn.**

In Mandamus and Prohibition. On respondents' motion to dismiss amended complaint. Motion granted. Cause dismissed.

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

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

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for French, J.

## MOTION AND PROCEDURAL RULINGS

### **2011-0857. State v. Obermiller.**

Cuyahoga C.P. No. CR542119. On appellant's application for reopening pursuant to S.Ct.Prac.R. 11.06. Application denied.

O'Neill, J., dissents.

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

Hamilton App. No. C-140129, 2015-Ohio-2997. On appellant's motion to vacate void judgment. Motion denied.

Fischer, J., not participating.

### **2016-0696. State v. Apanovitch.**

Cuyahoga App. Nos. 102618 and 102698, 2016-Ohio-2831. On appellant's motion for stay. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

### **2016-1553. NRG Power Midwest, L.P. v. Lorain Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2015-874 and 2015-890. On appellant/cross-appellee's motions to strike. Motions denied.

### **2017-0204. In re Application of Dayton Power & Light Co.**

Public Utilities Commission, Nos. 08-1094-EL-SSO, 08-1095-EL-ATA, 08-1096-EL-AAM, and 08-1097-EL-UNC. On appellant Office of the Ohio Consumers' Counsel's motion for stay. Motion denied.

O'Neill, J., dissents.

### **2017-0367. State ex rel. Matthews v. Haviland.**

Allen App. No. 1-16-54. On appellant's motion for leave to reinstate appeal. Motion denied.

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

### **2017-0436. In re Complaint of Harris Design Servs. v. Columbia Gas of Ohio, Inc.**

Public Utilities Commission, No. 15-405-GA-CSS. On appellee's motion to dismiss. Motion denied. On intervening appellee's motion to dismiss. Motion denied.

**2017-0600. Burke v. Excalibur Exploration, Inc.**

Ashtabula App. No. 2016-A-0041, 2017-Ohio-999. On intervening appellant's motion to vacate lower courts' judgments. Motion granted. The judgments are vacated and the cause is remanded to the trial court to determine the necessary parties to this action. On motion to intervene as necessary parties and motion to dismiss by EnerVest Energy Institutional Fund XI-A, L.P., CGAS Properties, L.P., and EnerVest Energy Institutional Fund XI-WI, L.P. Motions denied as moot.

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

**2017-0653. Ross v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2016-1716. On appellees' motion to dismiss. Motion denied.

O'Donnell and Fischer, JJ., dissent.

**2017-0802. State v. Cochran.**

Franklin App. No. 16AP-491, 2017-Ohio-1528. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

**2017-0808. State v. Cogar.**

Ashland App. No. 16-COA-039, 2017-Ohio-1470. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2017-0822. State v. Wright.**

Hamilton App. No. C-150715, 2017-Ohio-1568. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., dissents.

Fischer, J., not participating.

**2017-0823. State v. Carlier.**

Clermont App. No. CA2016-11-075. On motion for leave to file delayed appeal. Motion denied.

**2017-0838. State v. Tausch.**

Lake App. No. 2016-L-047, 2017-Ohio-1105. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

**2017-0840. State v. Summers.**

Cuyahoga App. No. 105513. On motion for leave to file delayed appeal. Motion denied.

**2017-0847. State v. Montgomery.**

Montgomery App. No. 25277, 2013-Ohio-4509. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2017-0852. State v. Coleman.**

Highland App. No. 16CA11, 2017-Ohio-1067. On motion for leave to file delayed appeal. Motion denied.

O'Neill and Fischer, JJ., dissent.

**2017-0855. State v. Sealey.**

Lake App. No. 2016-L-034, 2017-Ohio-338. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2017-0862. State v. Miller.**

Lucas App. No. L-16-1029, 2017-Ohio-670. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2017-0870. Bank of New York Mellon v. Rhiel.**

Certified Question of State Law, Bankruptcy Appellate Panel of the United States Court of Appeals for 6th Circuit, No. 16-8042. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court will answer the following questions:

“1. Is an individual who is not identified in the body of a mortgage, but who signs and initials the mortgage, a mortgagor of his or her interest?”

“2. Is a mortgage signed and initialed by an individual whose name is not identified in the body of the mortgage, but whose signature is properly acknowledged pursuant to Ohio Revised Code Sec. 5301, invalid as a matter of law such that parol evidence is not admissible to determine the intent of the individual in signing the mortgage?”

Petitioner shall file its merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

O'Donnell and Kennedy, JJ., dissent.

**2017-0878. State v. Kerr.**

Mahoning App. No. 15 MA 0083, 2016-Ohio-8479. On motion for leave to file delayed appeal. Motion denied.

**2017-0891. State v. Kouts.**

Sandusky App. No. S-16-012, 2017-Ohio-2905. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 4 of the court of appeals' entry filed June 23, 2017: "During a plea proceeding, does a trial court's failure to inform a defendant about the residential restrictions imposed on sex offenders under R.C. Chapter 2950 render the plea invalid?"

The conflict case is *State v. Creed*, 8th Dist. Cuyahoga No. 97317, 2012-Ohio-2627.

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the court of appeals for Sandusky County.

French, J., dissents.

**2017-0899. State v. Echols.**

Cuyahoga App. No. 104483, 2017-Ohio-1360. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2017-0904. State v. Brown.**

Cuyahoga App. No. 104095, 2017-Ohio-184. On motion for leave to file delayed appeal. Motion denied.

**2017-0910. State v. Scheffield.**

Geauga App. No. 2015-G-0053, 2017-Ohio-2593. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-0911. State v. Wauer.**

Trumbull App. No. 2016-T-0043, 2017-Ohio-1337. On motion for leave to file delayed appeal. Motion denied.

**2017-0912. State v. Sullivan.**

Cuyahoga App. No. 105623. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

**2017-0920. State v. Penland.**

Hamilton App. Nos. C-150413 and C-150414. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

**2017-0950. State v. Gladwell.**

Butler App. No. CA2016-07-139, 2017-Ohio-0331. On review of an order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

O’Donnell, J., dissents.

**2017-0952. State v. Robinson.**

Summit App. No. 28278, 2016-Ohio-4168. On appellant’s motion for stay. Motion denied. On appellant’s motion for release on recognizance bond. Motion denied as moot.

O’Connor, C.J., not participating.

**2017-0972. State v. Holloway.**

Butler App. No. CA2016-08-152, 2017-Ohio-4039. On review of an order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

O’Donnell and O’Neill, JJ., dissent.

**2017-0973. State v. Sibrian.**

Montgomery App. No. 27041, 2017-Ohio-2613. On motion for leave to file delayed appeal. Motion denied.

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

**2017-0982. State v. Flores-Lopez.**

Montgomery App. No. 27108, 2017-Ohio-690. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissent.

**2017-0989. State v. Goodwin.**

Butler App. No. CA2016-05-099, 2017-Ohio-2712. On review of an order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

O’Connor, C.J., and O’Neill and Fischer, JJ., dissent.

**2017-1001. State v. Boyer.**

Clark App. No. 2016-CA-63, 2017-Ohio-4199. On appellant's motion for stay of judgment. Motion denied.

Kennedy, J., dissents and would grant the motion and continue the appellant's bond.

O'Neill and Fischer, JJ., dissent.

**2017-1008. State v. Amnathphonthip.**

Franklin App. No. 16AP-337. On motion for leave to file delayed appeal. Motion denied.

**2017-1049. State v. Nelson.**

Muskingum App. No. CT2015-0057, 2016-Ohio-2787. On motion for leave to file delayed appeal. Motion denied.

**2017-1156. State v. Stewart.**

Delaware App. No. 17 CAA 01 0004, 2017-Ohio-2842. On appellant's motion for stay of court of appeals' decision. Motion denied.

DeWine, J., dissents.

**2017-1207. Howell v. Consol. Rail Corp.**

Cuyahoga App. No. 104554, 2017-Ohio-6881. On appellant's motion to stay court of appeals' judgment and trial date. Motion granted.

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

**APPEALS ACCEPTED FOR REVIEW**

**2017-0004. Turner v. CertainTeed Corp.**

Cuyahoga App. No. 103475, 2016-Ohio-7776.

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

**2017-0087. State v. Carnes.**

Hamilton App. No. C-150752, 2016-Ohio-8019.

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

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

Lisa L. Sadler, J., of the Tenth District Court of Appeals, sitting for DeWine, J.

**2017-0088. Pelletier v. Campbell.**

Mahoning App. No. 15 MA 0220, 2016-Ohio-8097.

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

**2017-0145. State v. Jackson.**

Cuyahoga App. No. 103957, 2016-Ohio-8144.

**2017-0913. Electronic Classroom of Tomorrow v. Dept. of Edn.**

Franklin App. No. 16AP-863, 2017-Ohio-5607. Discretionary appeal of appellant Electronic Classroom of Tomorrow accepted on proposition of law No. IV. Appeal of appellants Jeremy Aker and Darrel Deberry not accepted.

O'Donnell and Kennedy, JJ., would accept the appeal of appellant Electronic Classroom of Tomorrow on all propositions of law.

O'Connor, C.J., dissents and would not accept either appeal.

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for French, J.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2016-1588. State v. Tracey.**

Muskingum App. No. CT 2015-0040, 2016-Ohio-5255.

**2017-0001. Walker v. Hartford on the Lake, L.L.C.**

Franklin App. Nos. 16AP-271 and 16AP-272, 2016-Ohio-7792.

**2017-0002. State v. Gibson.**

Cuyahoga App. No. 103958, 2016-Ohio-7778.

**2017-0008. Turley v. Univ. of Cincinnati Med. Ctr.**

Hamilton App. No. C-150717, 2016-Ohio-7457.

O'Donnell, J., dissents.

Fischer, J., not participating.

**2017-0011. State v. Bolen.**

Seneca App. No. 13-16-01, 2016-Ohio-7821.

O'Donnell, J., dissents.

**2017-0012. Wright v. Therm-O-Link.**

Portage App. No. 2015-P-0059, 2016-Ohio-7840.

O'Neill, J., dissents.

**2017-0034. State v. George.**

Cuyahoga App. No. 103708, 2016-Ohio-7886.

O'Neill, J., dissents.

**2017-0040. Cornett v. Cornett.**

Greene App. No. 2016-CA-7, 2016-Ohio-7902.

**2017-0047. State v. Shaskus.**

Franklin App. No. 14AP-812, 2016-Ohio-7942.

O'Neill, J., dissents.

**2017-0055. Peck v. Tokar.**

Geauga App. No. 2016-G-0086, 2016-Ohio-8112.

**2017-0056. State v. Johnson.**

Franklin App. Nos. 15AP-1021, 15AP-1022, and 15AP-1023, 2016-Ohio-7945.

DeWine, J., dissents.

**2017-0057. State v. Horton.**

Muskingum App. No. CT2015-0053, 2016-Ohio-8193.

**2017-0058. State v. Horton.**

Muskingum App. No. CT2015-0054, 2016-Ohio-8181.

**2017-0063. State v. Halsey.**

Butler App. No. CA2016-01-001, 2016-Ohio-7990.

Kennedy and French, JJ., dissent.

**2017-0065. Karras v. Karras.**

Montgomery App. No. 26814, 2016-Ohio-8079.

**2017-0073. Cobb v. Dept. of Edn.**

Cuyahoga App. No. 103694, 2016-Ohio-7396.

O'Donnell, J., dissents.

**2017-0078. State v. Kraus.**

Ottawa App. No. OT-15-034, 2016-Ohio-8003.

Fischer and DeWine, JJ., not participating.

**2017-0080. State v. Carelli.**

Columbiana App. No. 15 CO 0025, 2016-Ohio-8031.

**2017-0081. United States Fire Ins. v. Am. Bonding Co., Inc.**

Hamilton App. Nos. C-160307 and C-160317, 2016-Ohio-7968.

Fischer, J., not participating.

**2017-0082. State v. Rawls.**

Cuyahoga App. No. 104191, 2016-Ohio-7962.

Fischer, J., not participating.

**2017-0091. State v. Knight.**

Butler App. No. CA2016-02-028, 2016-Ohio-7991.

**2017-0093. State v. Mitchell.**

Cuyahoga App. No. 104314, 2017-Ohio-94.

**2017-0096. State v. Nelson.**

Hamilton App. No. C-150480, 2016-Ohio-8064.

Kennedy, J., dissents.

Fischer, J., not participating.

**2017-0099. State v. Miller.**

Perry App. No. 16-CA-0004, 2016-Ohio-8248.

**2017-0103. State v. Hill.**

Sandusky App. No. S-15-011, 2016-Ohio-8087.

**2017-0104. Marshall v. Colonial Ins. Co.**

Mahoning App. No. 2015 MA 0169, 2016-Ohio-8155.

**2017-0118. In re E.H.**

Ottawa App. No. OT-15-044, 2016-Ohio-8170.

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

**2017-0149. State v. Kearns.**

Franklin App. No. 15AP-244, 2016-Ohio-5941.

O'Neill, J., dissents.

**2017-0164. Sanzenbacker v. Bistro Group, Inc.**

Hamilton App. No. C-160862.

O'Neill, J., dissents.

Fischer, J., not participating.

**2017-0183. State v. Clarke.**

Cuyahoga App. No. 104397, 2016-Ohio-8306.

**2017-0515. State v. Myers.**

Wood App. No. WD-16-026, 2017-Ohio-1220. Appellant's motion to strike denied as moot.

**2017-0524. State v. Everson.**

Mahoning App. No. 16 MA 0120, 2017-Ohio-898.

**2017-0528. Bey v. State.**

Lucas App. No. L-16-1088, 2017-Ohio-404.

**2017-0534. Secy. of Veterans Affairs v. Shaffer.**

Richland App. No. 16CA23, 2017-Ohio-801.

**2017-0537. State v. Wesley.**

Jefferson App. No. 15 JE 0006, 2017-Ohio-799.

**2017-0538. State v. Vincent.**

Ross App. No. 15CA3512, 2017-Ohio-1441.

**2017-0548. State v. Emerine.**

Trumbull App. No. 2016-T-0048, 2017-Ohio-1206.

**2017-0556. State v. Cochran.**

Cuyahoga App. No. 105564.

**2017-0558. State v. Dawson.**

Cuyahoga App. No. 104509, 2017-Ohio-965.

**2017-0572. State v. Fikes.**

Hamilton App. No. C-150538.

Fischer, J., not participating.

**2017-0580. State v. Rogers.**

Guernsey App. No. 16 CA 18, 2017-Ohio-1248.  
O'Neill, J., dissents.

**2017-0584. State v. Gentry.**

Hamilton App. Nos. C-160184 and C-160222.  
Fischer, J., not participating.

**2017-0586. State v. Oldaker.**

Meigs App. No. 16CA3, 2017-Ohio-1201.

**2017-0592. State v. McArthur.**

Cuyahoga App. No. 104862, 2017-Ohio-1373.

**2017-0596. Moore v. Naiman.**

Cuyahoga App. No. 104715, 2017-Ohio-1163.

**2017-0599. State v. Williams.**

Stark App. No. 2014CA00086.

**2017-0601. Grimes v. Oviatt.**

Cuyahoga App. No. 104491, 2017-Ohio-1174.

**2017-0611. Ashtabula v. Jones.**

Ashtabula App. No. 2016-A-0053, 2017-Ohio-1103.

**2017-0620. State v. Adams.**

Stark App. No. 2016CA00106, 2017-Ohio-1145.

**2017-0621. State v. McGee.**

Cuyahoga App. No. 104566, 2017-Ohio-1363.

**2017-0629. State v. Davidson.**

Muskingum App. No. CT2017-0014, 2017-Ohio-1505.

**2017-0634. State v. Hamilton.**

Hocking App. No. 16CA17, 2017-Ohio-1294.

**2017-0641. State v. Holsinger.**

Richland App. No. 16CA48, 2017-Ohio-1378.

**2017-0645. State v. Wright.**

Mahoning App. No. 15 MA 0092, 2017-Ohio-1211.

**2017-0651. State v. Smith.**

Cuyahoga App. No. 104263, 2017-Ohio-1155.

**2017-0652. State v. Kendrick.**

Montgomery App. No. 27133, 2017-Ohio-1306.

**2017-0668. State v. Bradley.**

Van Wert App. No. 15-17-05.

**2017-0670. State v. Collier.**

Hamilton App. No. C-170127.

**2017-0680. State v. Becraft.**

Clark App. No. 2016-CA-9, 2017-Ohio-1464.

O'Neill, J., dissents and would accept the cause and appoint counsel to represent appellant.

**2017-0688. State v. Peace.**

Hancock App. No. 5-16-21.

**2017-0704. State v. Yuschak.**

Medina App. No. 17CA0016-M.

Fischer, J., dissents.

**2017-0709. Cuyahoga Cty. Bd. of Health v. Petro.**

Cuyahoga App. No. 104882, 2017-Ohio-1164.

O'Donnell, J., dissents.

**2017-0716. State v. Walker.**

Trumbull App. No. 2016-T-0034, 2016-Ohio-8521.

**2017-0720. State v. Berry.**

Franklin App. Nos. 16AP-659 and 16AP-660, 2017-Ohio-1529.

**2017-0728. State v. Arroyo-Garcia.**

Franklin App. No. 15AP-890, 2016-Ohio-7006.

**2017-0730. State v. Watson.**

Butler App. No. CA2016-08-159, 2017-Ohio-1403.

**2017-0789. State v. Kegley.**

Crawford App. No. 3-16-06, 2016-Ohio-8467.

**2017-0805. State v. Tharp.**

Cuyahoga App. No. 104216, 2017-Ohio-2750.

**2017-0810. State v. Price.**

Mahoning App. No. 2015 MA 0206, 2016-Ohio-8417.

**2017-0861. State v. Martin.**

Summit App. No. 27789, 2016-Ohio-7764.

French and O'Neill, JJ., dissent.

**2017-0918. In re Jd.R.**

Franklin App. No. 16AP-364, 2017-Ohio-2940.

**2017-0975. State v. Geiger.**

Franklin App. No. 15AP-1120, 2016-Ohio-7571.

**2017-1012. In re K.P.**

Fairfield App. Nos. 17-CA-3 and 17-CA-4, 2017-Ohio-4264.

**2017-1019. State v. Payne.**

Summit App. No. 26655, 2013-Ohio-5230.

Fischer, J., dissents.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2014-0807. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2011-714. Reported at \_\_ Ohio St.3d \_\_, 2017-Ohio-2734, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion granted as to the request to amend the judgment entry of May 11, 2017, to include reinstatement of the Franklin County Board of Revision's valuation for 2008, consistent with the opinion of this court. Motion denied in all other respects. On appellee's motion to strike. Motion granted.

**2015-0313. Moskowitz v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2014-1160. Reported at 150 Ohio St.3d 69, 2017-Ohio-4002, 78 N.E.3d 870. On motion for reconsideration. Motion denied.

**2016-0509. State ex rel. McKee v. Union Metal Corp.**

Franklin App. No. 15AP-414, 2016-Ohio-1236. Reported at 150 Ohio St.3d 223, 2017-Ohio-5541, 80 N.E.3d 491. On amended motion for reconsideration. Motion denied.

**2016-1710. Snyder v. Grant.**

Cuyahoga App. No. 103796, 2016-Ohio-5247. Reported at 149 Ohio St.3d 1432, 2017-Ohio-4396, 76 N.E.3d 1208. On motion for reconsideration. Motion denied.  
O'Donnell, J., dissents.

**2017-0181. State v. Boware.**

Summit App. No. 27975, 2016-Ohio-7024. Reported at 149 Ohio St.3d 1433, 2017-Ohio-4396, 76 N.E.3d 1209. On motion for reconsideration. Motion denied.  
O'Connor, C.J., not participating.

**2017-0231. Rocky River v. Collins.**

Cuyahoga App. No. 104180, 2017-Ohio-14. Reported at 149 Ohio St.3d 1434, 2017-Ohio-4396, 76 N.E.3d 1209. On motion for reconsideration. Motion denied.

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

Miscellaneous case. Reported at 149 Ohio St.3d 1416, 2017-Ohio-4038, 75 N.E.3d 235. On motion for reconsideration. Motion denied.

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

In Mandamus. Reported at 149 Ohio St.3d 1466, 2017-Ohio-5723, 77 N.E.3d 989. On motion for reconsideration. Motion denied.  
O'Neill, J., dissents.

**2017-0503. State ex rel. Hillman v. Franklin Cty. Common Pleas Adm. Judge.**

In Procedendo. Reported at 149 Ohio St.3d 1462, 2017-Ohio-5699, 77 N.E.3d 986. On motion for reconsideration and request for hearing en banc. Motion and request denied.