

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 27, 2017

[Cite as *09/27/2017 Case Announcements*, 2017-Ohio-7843.]

MERIT DECISIONS WITH OPINIONS

2016-0315. *State v. Lee*, Slip Opinion No. 2017-Ohio-7826.

Franklin App. No. 14AP-1009, 2016-Ohio-122. Judgment affirmed.

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

O'Neill, J., dissents.

2016-1270. *State v. Belton*, Slip Opinion No. 2017-Ohio-7827.

Hamilton App. No. C-150358. Judgment affirmed.

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

O'Neill, J., dissents.

Fischer, J., not participating.

2016-1395. *State v. Dye*, Slip Opinion No. 2017-Ohio-7823.

Fairfield App. No. 15-CA-65, 2016-Ohio-5065. Judgment reversed.

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

O'Connor, C.J., concurs in judgment only.

2016-1730. *State ex rel. Ramirez-Ortiz v. Twelfth Dist. Court of Appeals*, Slip Opinion No. 2017-Ohio-7816.

In Prohibition. Motion to dismiss denied, motion for leave granted, and writ granted.

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

O'Donnell, J., dissents.

2016-1841. State ex rel. Stith v. Dept. of Rehab. & Corr., Slip Opinion No. 2017-Ohio-7824.

Franklin App. No. 15AP-1079, 2016-Ohio-7867. Motion denied and judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2017-0895. In re Complaint for a Writ of Habeas Corpus for Collins v. Jenkins.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2017-0947. State ex rel. Curley v. Ninth Dist. Court of Appeals.

Miscellaneous case. On motion to dismiss. Motion granted. Cause dismissed.

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

2017-0951. Lopez v. Jones.

In Procedendo. On motion for judgment on the pleadings. Motion granted. Cause dismissed.

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

O'Neill, J., dissents and would grant a peremptory writ.

2017-0955. State ex rel. Davidek v. Franklin Cty. Court of Common Pleas.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. On motion to add addendum. Motion denied as moot.

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

2017-0970. State ex rel. Johnson v. Kral.

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.

2017-0971. State ex rel. Young v. Turner.

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.

MOTION AND PROCEDURAL RULINGS

2012-0902. State v. Belton.

Lucas App. No. CR0200802934000. On appellant's application for reopening pursuant to S.Ct.Prac.R. 11.06. Application denied.

2012-1212. State v. Montgomery.

Franklin App. No. 10-CR-7125. On appellant's application for reopening pursuant to S.Ct.Prac.R. 11.06. Application denied.

O'Neill, J., dissents.

2017-0882. State v. Kahn.

Cuyahoga App. No. 104360, 2017-Ohio-4067. On review of an order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

O'Neill, J., not participating.

2017-1028. State v. Lewis.

Summit App. No. 28064, 2017-Ohio-2747. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

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

2017-1033. State v. Jackson.

Summit App. No. 28192, 2017-Ohio-635. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

2017-1040. State v. Taylor.

Hamilton App. No. C-160468. On motion for leave to file delayed appeal. Motion denied.

DeWine, J., dissents.

Fischer, J., not participating.

2017-1050. State v. Greenlee.

Montgomery App. No. 27039, 2017-Ohio-849. On request for emergency stay. Request denied.

2017-1070. State v. White.

Summit App. No. 27683, 2016-Ohio-4829. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

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

2017-1076. State v. Jenkins.

Greene App. No. 2016-CA-10, 2017-Ohio-693. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2017-1101. State v. West.

Muskingum App. No. CT2015-0050, 2016-Ohio-5032. On motion for leave to file delayed appeal. Motion denied.

2017-1110. State v. Lennon.

Cuyahoga App. No. 104344, 2017-Ohio-2753. On motion for leave to file delayed appeal. Motion denied.

O'Neill and DeWine, JJ., dissent.

2017-1119. Specialty Executives, Inc. v. KDH Defense Sys., Inc.

Morrow App. No. 16CA0012, 2017-Ohio-4399. On motion to stay. Motion granted. Execution of judgment and disbursement of bond are stayed pending the court's disposition of this appeal.

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

2017-1122. State v. Gordon.

Summit App. No. 28191, 2017-Ohio-5796. 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 1 of the court of appeals' entry filed August 8, 2017: "Whether the post-release control notification of R.C. 2929.19(B)(2)(e) must include notification of the penalty provisions in R.C. 2929.141(A)(1)-(2), specifically, whether a trial court must inform an offender at the time of sentencing that the commission of a felony during a period of post-release control permits a trial court to impose a new prison term for the violation to be served consecutively with any prison term for the new felony."

The conflict case is *State v. Johnson*, 5th Dist. Muskingum No. CT2016-0035, 2016-Ohio-7931.

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 Summit County.

2017-1125. State v. Mack.

Medina App. No. 14CA0112-M, 2016-Ohio-982. On motion for leave to file delayed appeal. Motion denied.

2017-1212. State v. Rigel.

Clark App. No. 2016-CA-50, 2017-Ohio-6906. On motion for stay. Motion denied.

O'Neill, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2017-0098. Natl. Collegiate Athletic Assn. v. Schmitz.

Cuyahoga App. No. 103525, 2016-Ohio-8041.

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

2017-0102. Bur. of Workers' Comp. v. Verlinger.

Summit App. No. 27763, 2016-Ohio-8029.

O'Neill, J., dissents.

2017-0179. Cirino v. Bur. of Worker's Comp.

Cuyahoga App. No. 104102, 2016-Ohio-8323. Cause accepted on proposition of law No. I.

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

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

2017-0186. State v. Dunson.

Montgomery App. No. 26990, 2016-Ohio-8365.

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

2017-0191. In re B.O.

Huron App. No. H-16-022, 2017-Ohio-43. Cause accepted and held for decision in 2016-0907, *In re D.S.*, and briefing schedule stayed.

Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2016-1657. State v. Allen.

Cuyahoga App. No. 103492, 2016-Ohio-7045.

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

2017-0094. Van Wert v. Akron Metro. Regional Transit Auth.

Stark App. No. 2016CA00052, 2016-Ohio-8072.

O'Neill, J., dissents.

2017-0100. State v. Dye.

Cuyahoga App. No. 103907, 2016-Ohio-8044.

2017-0105. Groves v. Ihsanullah.

Cuyahoga App. No. 103404, 2016-Ohio-7703. Discretionary appeal of Marymount Hospital and discretionary appeal of Sahibzadah A. Ihsanullah not accepted.

O'Donnell, J., dissents and would accept the discretionary appeal of Marymount Hospital.

2017-0106. Georgetown of the Highlands v. Cleveland Div. of Water.

Cuyahoga App. No. 102685, 2016-Ohio-8039.

2017-0110. State v. James.

Cuyahoga App. Nos. 104169 and 104006, 2016-Ohio-7889.

2017-0119. Reel v. Reel.

Trumbull App. No. 2016-T-0038, 2016-Ohio-8116.

2017-0135. State v. Liles.

Allen App. No. 1-16-33, 2017-Ohio-240.

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

O'Neill, J., dissents.

2017-0142. State v. Bender.

Ashland App. No. 16-COA-004, 2016-Ohio-8178.

2017-0147. Hendrickson v. Grider.

Ross App. No. 16CA3537, 2016-Ohio-8474.

2017-0148. R&R Family Invests., L.L.C. v. Plastic Moldings Corp.

Hamilton App. No. C-160382, 2016-Ohio-8125.

Fischer and DeWine, JJ., not participating.

2017-0153. Literal v. Dept. of Rehab. & Corr.

Franklin App. No. 16AP-242, 2016-Ohio-8536.

2017-0155. State v. Arcuri.

Trumbull App. No. 2015-T-0123, 2016-Ohio-8254.

2017-0156. In re D.C.

Harrison App. No. 15 HA 0006, 2016-Ohio-8550.

2017-0166. State v. Price.

Mahoning App. No. 2015 MA 206, 2016-Ohio-8417.

O'Neill, J., dissents and would accept the appeal on proposition of law No. II.

2017-0171. Arpin v. Consol. Rail Co.

Cuyahoga App. No. 104279, 2016-Ohio-8313.

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

2017-0174. Maxwell v. Columbus Maennerchor.

Franklin App. No. 16AP 41, 2016-Ohio-7133.

2017-0175. State v. Bohanan.

Franklin App. No. 15AP-1026, 2016-Ohio-8340.

2017-0176. Rudd v. Ohio State Hwy. Patrol.

Franklin App. No. 15AP-869, 2016-Ohio-8263.

2017-0178. Deems v. Minute Men Inc.

Hamilton App. No. C-160296, 2016-Ohio-8259.

O'Neill, J., dissents.

Fischer and DeWine, JJ., not participating.

2017-0180. State v. Johnson.

Summit App. No. 27813, 2016-Ohio-8286.

2017-0184. Wright State Physicians, Inc. v. Doctors Co.

Montgomery App. No. 27084, 2016-Ohio-8367.

2017-0192. US Bank Natl. Assn. v. Clarke.

Franklin App. No. 15AP-880, 2016-Ohio-8435.

2017-0201. Hornyak v. Res. Alloys, L.L.C.

Cuyahoga App. No. 104302, 2016-Ohio-8489.

Kennedy and DeWine, JJ., dissent.

2017-0202. In re D.W.

Franklin App. No. 16AP-179, 2016-Ohio-8535.

2017-0206. State v. Emerson.

Darke App. Nos. 2015-CA-24 and 2016-CA-1, 2016-Ohio-8509.

2017-0207. Sed v. Mundy.

Portage App. No. 2016-P-0019, 2016-Ohio-8431.

O'Neill, J., not participating.

2017-0208. State v. Kuck.

Darke App. No. 2015-CA-13, 2016-Ohio-8512.

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

O'Neill, J., dissents.

2017-0212. Russell v. Austintown Twp. Zoning Inspector.

Mahoning App. No. 14 MA 0182, 2016-Ohio-8547.

O'Donnell and Fischer, JJ., dissent.

2017-0213. Fannie Mae v. Hicks.

Cuyahoga App. No. 103804, 2016-Ohio-8484.

2017-0261. Rolsen v. Walgreen Co.

Cuyahoga App. No. 104431, 2016-Ohio-8304.

2017-0269. Khatib v. Peters.

Cuyahoga App. No. 104318, 2017-Ohio-95.

2017-0309. State v. Knight.

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

2017-0646. State v. Norfleet.

Coshocton App. No. 2016CA0011, 2017-Ohio-1189.

2017-0660. State v. Carter.

Hamilton App. No. C-150625, 2017-Ohio-1328.

Fischer, J., not participating.

2017-0669. State v. Fikes.

Hamilton App. No. C-160557.

Fischer, J., not participating.

2017-0682. State v. Gibson.

Noble App. No. 16 NO 0431, 2017-Ohio-1266.

2017-0689. State v. Bevins.

Hamilton App. No. C-040052.

2017-0694. State v. Tabler.

Muskingum App. No. CT2017-0012, 2017-Ohio-2617.

2017-0705. State v. Lusane.

Portage App. No. 2016-P-0036, 2017-Ohio-1513.

2017-0706. State v. Buchanan.

Cuyahoga App. No. 104500, 2017-Ohio-1361.

O'Neill, J., dissents.

2017-0713. Woods Cove III, L.L.C. v. Spy.

Cuyahoga App. No. 105599. Appellant's motion for leave to proceed denied as moot.

2017-0722. State v. Tribune.

Warren App. No. CA2016-04-027, 2017-Ohio-1407.

2017-0725. State v. Jewett.

Scioto App. No. 15CA3714, 2017-Ohio-2891.

2017-0726. State v. Stephens.

Hamilton App. No. C-150622.

Fischer, J., not participating.

2017-0731. Clellan v. Lancione.

Franklin App. No. 16AP-677, 2017-Ohio-1460.

2017-0733. State v. Stepp.

Butler App. No. CA2016-12-232.

2017-0735. McLaughlin v. Dept. of Job & Family Servs.

Franklin App. No. 16AP-879.

2017-0744. State v. Hicks.

Columbiana App. No. 17 CO 0007.

2017-0751. Jones v. Mohler.

Montgomery App. No. 27105, 2017-Ohio-2683.

2017-0754. Satterwhite v. Frisch's Restaurant, Inc.

Hamilton App. No. C-160506.

Fischer, J., not participating.

2017-0756. State v. Reynolds.

Lucas App. No. L-16-1021, 2017-Ohio-1478.

2017-0761. State v. Walker.

Hamilton App. No. C-150620.

Fischer, J., not participating.

2017-0762. State v. Moss.

Ashtabula App. No. 2016-A-0047, 2017-Ohio-1507.

2017-0767. State v. Russell.

Franklin App. No. 16AP-542, 2017-Ohio-2871. Appellant's motion to take judicial notice denied as moot.

2017-0769. State v. Gamble.

Franklin App. No. 16AP-397, 2017-Ohio-1527.

2017-0773. State v. Patterson.

Cuyahoga App. No. 105109, 2017-Ohio-2664.

2017-0777. Breen v. Total Quality Logistics.

Franklin App. No. 16AP-3, 2017-Ohio-439.

2017-0785. State v. Palmer.

Summit App. No. 28303, 2017-Ohio-2639.

2017-0809. State v. Robinson.

Franklin App. No. 16AP-887, 2017-Ohio-2773.

2017-0820. State v. Alston.

Lorain App. No. 16CA010945, 2017-Ohio-2701.

2017-0834. State v. Nicholson.

Stark App. No. 2016 CA 00210, 2017-Ohio-2825.

2017-0836. State v. Bryant.

Butler App. No. CA2016-10-200.

2017-0844. State v. Morris.

Summit App. No. 28124, 2017-Ohio-280.

2017-0846. State v. Gerald.

Summit App. No. 28603.

2017-0864. State v. Stairhime.

Defiance App. No. 4-13-06.

2017-0964. State v. Kahn.

Cuyahoga App. No. 104360, 2017-Ohio-4067.

Kennedy and French, JJ., dissent.

O'Neill, J., not participating.

2017-1120. In re Adoption of A.W.P.

Lorain App. No. 16CA011037, 2017-Ohio-5479.

O'Neill, J., dissents.

2017-1179. In re Adoption of M.S.A.

Mercer App. No. 10-17-01, 2017-Ohio-5771.

Kennedy, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2014-0328. In re Application of Duke Energy Ohio, Inc.

Public Utilities Commission, Nos. 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, and 12-1688-GA-AAM. Reported at __ Ohio St.3d __, 2017-Ohio-5536, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

2016-1802. BankUnited v. Klug.

Lorain App. No. 16CA010923, 2016-Ohio-5769. Reported at 150 Ohio St.3d 1408, 2017-Ohio-6964, 78 N.E.3d 908. On motion for reconsideration. Motion denied.

2016-1883. Chase Home Fin., L.L.C. v. Gau.

Ashtabula App. No. 2015-A-0048, 2016-Ohio-7646. Reported at 150 Ohio St.3d 1409, 2017-Ohio-6964, 78 N.E.3d 909. On motion for reconsideration. Motion denied.

2017-0479. JPMorgan Chase Bank, N.A. v. Liggins.

Franklin App. No. 15AP-242, 2016-Ohio-3528. Reported at 150 Ohio St.3d 1410, 2017-Ohio-6964, 78 N.E.3d 910. On motion for reconsideration. Motion denied.

French, J., not participating.

2017-0626. State ex rel. Hillman v. Franklin Cty. Appellate Court Judges.

In Prohibition. Reported at 150 Ohio St.3d 1404, 2017-Ohio-6964, 78 N.E.3d 906. On motion for reconsideration. Motion denied. On motions to supplement, for judicial notice, to reinstate, and to supplement pursuant to Civ.R. 15(E). Motions denied as moot.