

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 11, 2017

[Cite as *10/11/2017 Case Announcements*, 2017-Ohio-8136.]

MERIT DECISIONS WITH OPINIONS

2016-1183. State ex rel. Consortium for Economic & Community Dev. For Hough Ward 7 v. Russo, Slip Opinion No. 2017-Ohio-8133.

Cuyahoga App. No. 103657, 2016-Ohio-4704. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2016-0615. State ex rel. Kesterson v. Kent State Univ.

In Mandamus. 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: parties shall file any evidence they intend to present within 20 days; relator shall file a brief within 10 days after 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.

Kent State University shall file, under seal, copies of the unredacted documents at issue in this case at the time of the filing of the evidence.

Respondent's motion to dismiss is denied.

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

2016-1123. State ex rel. Kesterson v. Kent State Univ.

In Mandamus. 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: parties shall file any evidence they intend to present within 20 days; relator shall file a brief within 10 days after 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.

Kent State University shall file, under seal, copies of the unredacted documents at issue in this case at the time of the filing of the evidence.

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

2017-1016. State ex rel. Guyton v. Lorain Cty. Court of Common Pleas.

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.

2017-1044. West v. Wainwright.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2017-1055. Snuggs 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.

2017-1064. State ex rel. Bates v. Guernsey Cty. Court of Common Pleas.

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

2016-1161. State ex rel. Morley v. Zmuda.

Lucas App. No. L-16-1119. On motion to dismiss. Motion granted.

2017-1130. State v. Rodriguez.

Defiance App. No. 4-16-16, 2017-Ohio-1318. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2017-1146. State v. Miller.

Clermont App. No. CA2016-08-057, 2017-Ohio-2801. On motion for leave to file delayed appeal. Motion denied.

O'Neill and Fischer, JJ., dissent.

2017-1154. State v. Thomas.

Hamilton App. Nos. C-150581 and C-150555, 2017-Ohio-4403. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

Fischer, J., not participating.

2017-1166. State v. McNeely.

Lucas App. No. L-16-1076. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2017-1167. State v. Roberts.

Hamilton App. Nos. C-140331 and C-160556, 2016-Ohio-903. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

Fischer and DeWine, JJ., not participating.

2017-1173. State v. Adams.

Lorain App. No. 15CA010868, 2017-Ohio-1178. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days of the date of this entry.

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

2017-1206. In re D.F.

Coshocton App. Nos. 2016CA0015 and 2016CA0016, 2017-Ohio-7307. On motion for stay of appellate decision. Motion granted.

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

2017-1244. Bank of Am., N.A. v. Brown.

Cuyahoga App. No. 105954. On motion for stay of eviction, stay of sheriff sale, and to restore all utilities back into movant's name. Motion denied.

2017-1277. Martens v. Findlay.

Hancock App. No. 5-17-20. On amended motion for stay pending appeal and for expedited ruling. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2017-0256. State v. Hamilton.

Lorain App. No. 15CA010830, 2017-Ohio-230. Cause accepted, judgment vacated, and cause remanded to trial court for application of *State v. Gonzales*, 150 Ohio St.3d 276, 2017-Ohio-777, 81 N.E.3d 419. Appellee's motion to dismiss denied.

O'Neill, J., dissents and would accept the cause and affirm the decision of the court of appeals pursuant to *State v. Gonzales*, 150 Ohio St.3d 261, 2016-Ohio-8319, 81 N.E.3d 405.

2017-0279. Wells Fargo Bank, N.A. v. Burd.

Franklin App. No. 15AP-1044, 2016-Ohio-7706.

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

O'Donnell, J., not participating.

2017-0327. Toledo v. State.

Lucas App. No. L-15-1286, 2017-Ohio-215.

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

2017-0344. State v. Ireland.

Franklin App. No. 15AP-1134, 2017-Ohio-263.

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

2017-0936. State v. Bowshier.

Clark App. No. 2015-CA-54 and 2015-CA-73, 2017-Ohio-1386. Cause accepted on proposition of law No. I.

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

APPEALS NOT ACCEPTED FOR REVIEW

2016-1779. State v. Hale.

Cuyahoga App. No. 103654, 2016-Ohio-5837.
O'Neill, J., dissents.

2017-0154. Horn v. Dept. of Ins.

Lorain App. No. 15CA010892, 2017-Ohio-231.

2017-0159. State v. Dickerson.

Cuyahoga App. No. 102461, 2017-Ohio-177.
O'Donnell and DeWine, JJ., dissent.

2017-0214. State v. Roller.

Mahoning App. No. 15 MA 0164, 2016-Ohio-8554.
O'Donnell, J., dissents.

2017-0217. State v. Grad.

Medina App. No. 15CA0014-M, 2016-Ohio-8388.

2017-0243. Summit Cty. Sheriff v. Fraternal Order of Police.

Summit App. No. 28019, 2017-Ohio-72.
O'Donnell, J., dissents.
French, J., not participating.

2017-0247. Cahill v. Testa.

Lake App. No. 2015-1-111.

2017-0255. State v. McCall.

Lorain App. No. 15CA010861, 2017-Ohio-34.

2017-0263. State v. Plott.

Seneca App. Nos. 13-15-39 and 13-15-40, 2017-Ohio-38.

2017-0264. Bank of Am., N.A. v. Calloway.

Cuyahoga App. No. 103622, 2016-Ohio-7959.

French and Fischer, JJ., dissent and would accept the cause on proposition of law No. I.

2017-0267. State v. Napier.

Clermont App. No. CA2016-04-022, 2017-Ohio-246.
Kennedy and O’Neill, JJ., dissent.

2017-0268. State v. Norman.

Cuyahoga App. No. 104244, 2017-Ohio-92.

2017-0270. State v. Johnson.

Franklin App. No. 15AP-946, 2016-Ohio-8494.
O’Donnell, J., not participating.

2017-0273. State v. Blatchford.

Preble App. No. CA2015-12-023, 2016-Ohio-8456.

2017-0278. State v. Taylor.

Lucas App. No. L-15-1309, 2017-Ohio-139.

2017-0295. Vontz v. Miller.

Hamilton App. No. C-150693, 2016-Ohio-8477.
Fischer and DeWine, JJ., not participating.

2017-0302. State v. Ledford.

Clermont App. No. CA2016-04-021, 2017-Ohio-149.

2017-0305. State v. Steed.

Wood App. No. WD-15-069, 2016-Ohio-8088.
O’Donnell, J., dissents.

2017-0308. Meyer v. Meyer.

Franklin App. No. 16AP-253, 2016-Ohio-5806.

2017-0311. Cuyahoga Metro. Hous. Auth. v. Fraternal Order of Police, Ohio Labor Council, Inc.

Cuyahoga App. No. 104319, 2017-Ohio-190.
French, J., not participating.

2017-0316. Third Fed. S. & L. Assn. of Cleveland v. Formanik.

Cuyahoga App. No. 103649, 2016-Ohio-7478.

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

2017-0322. Fifth Third Mtge. Co. v. Perry.
Pickaway App. No. 15CA22, 2016-Ohio-7811.

2017-0330. In re Certificate of Need Application for Project “Livingston Villa,” Cuyahoga Cty.
Franklin App. No. 15AP-1146, 2017-Ohio-196.
O’Donnell, J., dissents.

2017-0334. State v. Landrum.
Cuyahoga App. No. 104511, 2017-Ohio-389.

2017-0336. Elwood v. Elwood.
Hardin App. No. 6-15-10, 2016-Ohio-8205.
Kennedy and French, JJ., dissent.

2017-0342. Hetrick v. Dept. of Agriculture.
Franklin App. No. 15AP-944, 2017-Ohio-303.

2017-0343. Templeton v. Fred W. Albrecht Grocery Co.
Summit App. No. 27744, 2017-Ohio-282.
O’Donnell, O’Neill, and Fischer, JJ., dissent.

2017-0348. State v. Harmon.
Tuscarawas App. No. 2016AP080042, 2017-Ohio-320.

2017-0353. Williams v. Midland Acres, Inc.
Madison App. No. CA2016-06-023, 2017-Ohio-332.

2017-0375. State v. Smith.
Wayne App. No. 15AP0001, 2017-Ohio-359.

2017-0379. State v. Huffman.
Wayne App. No. 14AP0052, 2016-Ohio-8093.
O’Donnell, J., dissents and would accept the cause on proposition of law No. I.

2017-0381. State v. Scott.
Lorain App. Nos. 15CA010844 and 15CA010846, 2017-Ohio-358.
O’Donnell, J., dissents.

2017-0428. MNH Truck Leasing Co., L.L.C. v. Dir., Dept. of Job & Family Servs.

Franklin App. Nos. 16AP-301, 16AP-302, and 16AP-303, 2017-Ohio-442.

2017-0755. State v. Ammiyhuwd.

Butler App. No. CA2016-08-151

2017-0807. In re L.R.S.

Portage App. Nos. 2016-P-0050 and 2016-P-0051, 2017-Ohio-2604.
French, J., not participating.

2017-0824. State v. Turner.

Cuyahoga App. No. 104490, 2017-Ohio-2755.

2017-0825. State v. Makin.

Cuyahoga App. No. 104010, 2017-Ohio-2649.

2017-0826. State v. Doll.

Scioto App. No. 16CA3731, 2017-Ohio-2894.

2017-0829. State v. Harris.

Cuyahoga App. No. 104329, 2017-Ohio-2751.

2017-0831. State v. Quinnie.

Cuyahoga App. No. 105104, 2017-Ohio-2663.

2017-0833. State v. Reese.

Muskingum App. No. CT2017-0015, 2017-Ohio-2847.

2017-0835. State v. Heflin.

Lucas App. No. L-17-1089.

2017-0839. State v. Terry.

Montgomery App. No. 27102, 2017-Ohio-2686.

2017-0850. Fox v. Turner.

Marion App. No. 9-16-44.

2017-0856. Fried v. Abraitis.

Cuyahoga App. Nos. 104823 and 105071.

2017-0863. Hoteling v. Ozdemir.

Wyandot App. No. 16-16-04, 2017-Ohio-2922.

2017-0867. State v. Gaffin.

Adams App. No. 16CA1027, 2017-Ohio-2935.

2017-0868. State v. Shuster.

Morgan App. No. 16AP0012, 2017-Ohio-2776.

2017-0873. State v. Ridenour.

Montgomery App. No. 27409.

2017-0879. State v. Brigner.

Athens App. No. 17CA3, 2017-Ohio-5538.

2017-0888. State v. McCrae.

Muskingum App. No. CT2017-0008, 2017-Ohio-2968.
O'Neill, J., dissents.

2017-0890. State v. Brooks.

Summit App. No. 28381, 2017-Ohio-2832.
O'Connor, C.J., not participating.

2017-0892. State ex rel. Clinton v. MetroHealth Sys.

Cuyahoga App. No. 104685, 2017-Ohio-2855.

2017-0894. State v. Potee.

Clermont App. No. CA2016-06-045, 2017-Ohio-2926.

2017-0898. State v. Workman.

Clermont App. Nos. CA2016-10-065 and CA2016-10-066, 2017-Ohio-2802.

2017-0900. State v. Henry.

Erie App. No. E-15-064, 2017-Ohio-2902.

2017-0901. State v. Chafin.

Franklin App. No. 17AP-209.

2017-0923. State v. Bullocks.

Hamilton App. No. C-150603.

2017-0924. State v. King.

Muskingum App. No. CT2017-0021, 2017-Ohio-4258.

2017-0927. State v. Church.

Stark App. No. 2016CA00167.

2017-0932. State v. Baskerville.

Summit App. No. 28148, 2017-Ohio-4050.

2017-0953. State v. McClellan.

Stark App. No. 2016CA00142, 2017-Ohio-4402.

2017-0965. State v. Nunez.

Cuyahoga App. No. 104917, 2017-Ohio-5581.

2017-0968. State v. Scott.

Montgomery App. No. 27299, 2017-Ohio-4100.

2017-0977. State v. Nunez.

Cuyahoga App. No. 104623, 2017-Ohio-4295.

2017-0979. State v. Davis.

Cuyahoga App. No. 105925.

2017-0987. State v. Wade.

Jefferson App. No. 14 JE 0036, 2017-Ohio-4135.

2017-1096. In re C.D.

Franklin App. No. 16AP-779, 2017-Ohio-5870. Motion for stay of execution of judgment denied.

2017-1112. State v. Fulton.

Erie App. No. E-05-027.

2017-1205. In re C.D.

Franklin App. No. 16AP-784. Motion for stay and motion to consolidate denied.

O'Neill, J., dissents and would accept the cause and grant the motion for stay and the motion to consolidate.

RECONSIDERATION OF PRIOR DECISIONS

2017-0619. Harmon v. Hoffman.

In Mandamus and Prohibition. Reported at 150 Ohio St.3d 1404, 2017-Ohio-6964, 78 N.E.3d 906. On motion for reconsideration. Motion denied. Relator's motion to amend motion for reconsideration denied as moot.