

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 27, 2018

[Cite as *06/27/2018 Case Announcements*, 2018-Ohio-2418.]

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## MERIT DECISIONS WITH OPINIONS

**2016-0541. [Julia Realty, Ltd. v. Cuyahoga Cty. Bd. of Revision](#), Slip Opinion No. 2018-Ohio-2415.**

Board of Tax Appeals, Nos. 2015-657 and 2015-658. Decision affirmed.

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

Kennedy, J., concurs in judgment only.

**2016-1629. [Thomasson v. Thomasson](#), Slip Opinion No. 2018-Ohio-2417.**

Cuyahoga App. No. 104579. Judgment reversed.

O'Donnell, French, Pietrykowski, and Fischer, JJ., concur.

O'Connor, C.J., concurs, with an opinion

Kennedy, J., concurs in judgment only, with an opinion.

DeWine, J., dissents, with an opinion.

Mark L. Pietrykowski, J., of the Sixth District Court of Appeals, sitting for O'Neill, J.

## MERIT DECISIONS WITHOUT OPINIONS

**2017-0563. [State ex rel. St. Clair Twp. Bd. of Trustees v. Hamilton](#).**

In Mandamus. Sua sponte, alternative writ granted. 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, 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.

On relator's motion for issuance of peremptory writ of mandamus and request for reference of case to commissioner. Motion and request denied.

On respondent's motion to dismiss. Motion denied.

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

Kennedy, J., not participating.

**2017-1295. State ex rel. Ames v. Reinbold.**

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed.

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

**2017-1483. State ex rel. Ames v. Reinbold.**

In Procedendo. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

**2018-0425. State ex rel. Kerr v. Reger.**

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed. Relator's motion for peremptory writ of prohibition denied as moot.

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

**2018-0513. State ex rel. Small v. Tenth Dist. Court of Appeals.**

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

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

**2018-0534. State ex rel. Keller v. Miller.**

In Prohibition. On S.Ct.Prac.R. 12.04 determination. Cause dismissed. On relator's amended motion for default judgment and to enter a writ of prohibition. Motion denied.

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

**2018-0589. Gross v. Havlin.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0595. State ex rel. Roberts v. Crouse.**

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

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

Fischer, J., not participating.

**2018-0649. Cotton v. Harris.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0674. State ex rel. Jones v. Coleman.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

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

**MOTION AND PROCEDURAL RULINGS**

**2003-1325. State v. Hand.**

Delaware C.P. No. 02CRI08366. On appellee's motion to set an execution date. Motion granted. Gerald R. Hand's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility or, in his absence, by the deputy warden on Wednesday, May 17, 2023, in accordance with the statutes so provided.

On appellee's motion for expedited consideration. Motion denied.

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

O'Donnell and Kennedy, JJ., concur in granting the motion to set an execution date and would grant appellee's motion for expedited consideration.

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

Summit App. No. 27763, 2016-Ohio-8029. On motion for clarification regarding scope of remand. Motion denied.

**2017-1074. State v. Armengau.**

Franklin App. No. 14AP-679, 2017-Ohio-4452. On motion filed April 30, 2018.

Motion denied.

**2017-1391. David v. Matter.**

Sandusky App. No. S-17-0006. On appellees' motion to dismiss. Motion denied.  
O'Donnell, J., dissents.

**2018-0263. State ex rel. Lundeen v. State Med. Bd. of Ohio.**

In Mandamus and Prohibition. On request for findings of fact/conclusions of law.  
Request denied.

**2018-0444. State v. Jones.**

Cuyahoga App. Nos. 103290 and 103302, 2018-Ohio-498. On appellee/cross-appellant's motion for leave to file delayed cross-appeal. Motion granted.  
Appellee/cross-appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., and O'Donnell, J., dissent.  
DeGenaro, J., not participating.

**2018-0596. State v. Mayes.**

Montgomery App. No. 27194, 2017-Ohio-9313. On motion for leave to file delayed appeal. Motion denied.

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

**2018-0601. State v. Jones.**

Hamilton App. No. C-160908, 2018-Ohio-565. 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 April 3, 2018: "Must a dog have been previously designated as a 'dangerous dog' under Chapter 955 of the Ohio Revised Code before its owner may be prosecuted for a violation of R.C. 955.22?"

The conflict case is *State v. Crocker*, 5th Dist. Coshocton No. 2012 CA 0021, 2013-Ohio-3100.

O'Donnell, J., dissents.  
Fischer, J., not participating.

**2018-0611. State v. Barrett.**

Cuyahoga App. No. 106823. On motion for leave to file delayed appeal. Motion denied.

**2018-0614. State v. Consilio.**

Summit App. No. 28409, 2017-Ohio-7913. On motion for leave to file delayed appeal. Motion denied.

**2018-0627. State v. Fuller.**

Mahoning App. No. 15 MA 0117, 2016-Ohio-7285. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., not participating.

**2018-0644. State v. Vasques.**

Franklin App. No. 17AP-913. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

**2018-0645. State v. Foster.**

Butler App. No. CA2017-07-108, 2018-Ohio-796. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and DeGenaro, JJ., dissent.

**2018-0647. State ex rel. Snyder v. Butler.**

In Mandamus. On relator's emergency application for stay of grievance process. Application for stay denied.

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

**2018-0651. State v. Mohamed.**

Cuyahoga App. Nos. 102398 and 103602, 2017-Ohio-9012. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., not participating.

**2018-0652. State v. Ramirez.**

Richland App. Nos. 16CA95 and 16CA96. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

**2018-0661. State v. Garrison.**

Muskingum App. No. CT2017-0018, 2018-Ohio-463. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and DeGenaro, JJ., dissent.

## **APPEALS ACCEPTED FOR REVIEW**

### **2018-0364. State v. Boaston.**

Lucas App. No. L-15-1274, 2017-Ohio-8770.

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

### **2018-0434. House v. Iacovelli.**

Medina App. No. 16CA0087-M, 2018-Ohio-443.

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

### **2018-0449. State v. Johnson.**

Williams App. No. WM-16-008, 2018-Ohio-527. Cause accepted and held for the decision in 2017-1579, *State v. Braden*, and briefing schedule stayed.

Fischer and DeWine, JJ., dissent.

## **APPEALS NOT ACCEPTED FOR REVIEW**

### **2018-0462. State v. Perez.**

Defiance App. No. 4-17-12, 2018-Ohio-635.

Kennedy and DeGenaro, JJ., dissent.

### **2018-0486. State v. Robinson.**

Washington App. No. 16CA22.

### **2018-0548. State v. Harris.**

Cuyahoga App. No. 104329, 2018-Ohio-839.

## **RECONSIDERATION OF PRIOR DECISIONS**

### **2016-1149. Disciplinary Counsel v. Doumbas.**

Board of Professional Conduct, No. 2014-018. Reported at 149 Ohio St.3d 628, 2017-Ohio-550, 76 N.E.3d 1185. On motion for reconsideration. Motion granted in part and April 19, 2018 entry vacated. The respondent may file a new petition for reinstatement on or after February 21, 2019.

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

**2017-1619. State v. Howard.**

Logan App. Nos. 8-17-01 and 8-17-09, 2017-Ohio-8020. Reported at 152 Ohio St.3d 1443, 2018-Ohio-1600, 96 N.E.3d 299. On pro se motion for reconsideration. Motion denied.

**2017-1684. Blue Durham Properties, L.L.C. v. Krantz.**

Cuyahoga App. Nos. 105236 and 105394, 2017-Ohio-8230. Reported at 152 Ohio St.3d 1444, 2018-Ohio-1600, 96 N.E.3d 299. On amended motion for reconsideration. Motion denied.

**2017-1689. Blue Durham Properties, L.L.C. v. Krantz.**

Cuyahoga App. No. 105236, 2017-Ohio-8230. Reported at 152 Ohio St.3d 1444, 2018-Ohio-1600, 96 N.E.3d 299. On motion for reconsideration. Motion denied.

**2017-1775. Rusin v. Buehrer.**

Hamilton App. No. C-160772, 2017-Ohio-8411. Reported at 152 Ohio St.3d 1446, 2018-Ohio-1600, 96 N.E.3d 300. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

Fischer, J., not participating.

**2018-0016. State ex rel. Wylie-Brown v. O'Leary.**

In Prohibition. Reported at 152 Ohio St.3d 1437, 2018-Ohio-1600, 96 N.E.3d 294. On motion for reconsideration. Motion denied.

**2018-0069. State ex rel. Tayse v. Summit Cty. Court of Common Pleas.**

In Mandamus. Reported at 152 Ohio St.3d 1437, 2018-Ohio-1600, 96 N.E.3d 294. On motion for reconsideration. Motion denied.

## **PETITIONS TO TRANSFER**

**2018-0558. Palace Hotels, L.L.C. v. Testa.**

Lucas App. No. G-4801-CL-0201801068-000 and Board of Tax Appeals, No. 2016-1300. On petition to transfer jurisdiction. Petition denied.

Kennedy, J. dissents.

Fischer, J., dissents, and would grant the petition on proposition of law No. I.