

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

July 11, 2018

[Cite as *07/11/2018 Case Announcements*, 2018-Ohio-2697.]

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## MERIT DECISIONS WITH OPINIONS

**2017-0010. Disciplinary Counsel v. Rutherford, Slip Opinion No. 2018-Ohio-2680.**

On Certified Report by the Board of Professional Conduct, No. 2016-051. Guy Darius Rutherford, Attorney Registration No. 0066032, last known address in Cleveland, Ohio, permanently disbarred from the practice of law.

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

DeGenaro, J., not participating.

**2017-1062. State ex rel. Hunter v. Binette, Slip Opinion No. 2018-Ohio-2681.**

Erie App. No. E-17-030. Motions denied and judgment affirmed.

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

Kennedy, J., concurs in part and dissents in part, with an opinion joined by French, J.

DeGenaro, J., not participating.

**2017-1221. State ex rel. Neil v. French, Slip Opinion No. 2018-Ohio-2692.**

Franklin App. No. 17AP-241. Judgment affirmed.

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

DeGenaro, J., not participating.

**2017-1323. State ex rel. Russell v. Dept. of Rehab. & Corr., Slip Opinion No. 2018-Ohio-2693.**

Franklin App. No. 17AP-125. Judgment affirmed.

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

DeGenaro, J., not participating.

**2017-1326. State ex rel. White v. Richard, Slip Opinion No. 2018-Ohio-2696.**

Madison App. No. CA2017-05-013. Appeal dismissed.

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

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

**MERIT DECISIONS WITHOUT OPINIONS**

**2018-0485. State ex rel. Ellis v. Burnside.**

Cuyahoga App. No. 105120, 2017-Ohio-658. On appellee's motion to dismiss. Motion granted. Cause dismissed.

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

**2018-0580. State ex rel. Staats v. Hartnett.**

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. Respondent Judge Chryssa N. Hartnett's motion to find relator a vexatious litigator denied.

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

O'Connor, C.J., and Fischer and DeGenaro, JJ., concur in granting the motion to dismiss and would grant the motion to find relator a vexatious litigator.

**2018-0597. State ex rel. Middlebrook v. Pureval.**

In Mandamus. On respondent's 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.

**2018-0657. Rodriguez v. Schmenk.**

In Mandamus. On respondent's reply and motion to dismiss. Motion granted. Cause dismissed.

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

**2018-0749. State ex rel. Phillips v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2018-0709. State v. Harris.**

Hamilton App. No. C-170125. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

**2018-0719. State v. Conley.**

Delaware App. No. 17 CAA 03 0018, 2018-Ohio-298. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

**2018-0731. Helms v. Thomas.**

Montgomery App. No. 27744, 2018-Ohio-1534. On motion for stay relief. Motion denied.

O'Donnell, J., dissents.

**2018-0732. State v. Flenner.**

Trumbull App. No. 2017-T-0054, 2018-Ohio-1027. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

## **APPEALS NOT ACCEPTED FOR REVIEW**

**2018-0524. E.C. v. Rexrode.**

Franklin App. No. 17AP-364.

French, Fischer, and DeGenaro, JJ., dissent.

**2018-0612. State v. Ward.**

Crawford App. No. 3-17-02.

**2018-0697. State v. Hilton.**

Portage App. Nos. 2015-P-0062 and 2015-P-0063.

**2018-0710. State v. Lash.**

Cuyahoga App. No. 104725, 2018-Ohio-1385.

DeGenaro, J., not participating.

**2018-0733. State v. Bradford.**

Cuyahoga App. No. 105217, 2018-Ohio-1386.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-1035. State v. Wilks.**

Mahoning C.P. No. 13 CR 540. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-1562, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

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

**2017-1819. U.S. Bank Natl. Assn. v. Surrey Medwick Acquisition, L.L.C.**

Medina App. No. 16CA0088-M. Reported at 152 Ohio St.3d 1462, 2018-Ohio-1795, 97 N.E.3d 499. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

DeGenaro, J., dissents and would hold the cause for the decision in 2017-1377, *Farmers State Bank v. Sponaugle*.

**2018-0086. State v. Pablo.**

Franklin App. No. 16AP-888, 2017-Ohio-8834. Reported at 152 Ohio St.3d 1464, 2018-Ohio-1795, 97 N.E.3d 500. On motion for reconsideration. Motion denied.

O'Donnell and French, JJ., dissent.

**2018-0103. State v. Patterson.**

Stark App. No. 2017CA00153, 2017-Ohio-9001. Reported at 152 Ohio St.3d 1465, 2018-Ohio-1795, 97 N.E.3d 501. On motion for reconsideration. Motion denied.

**2018-0114. HDV Cleveland, L.L.C. v. Ohio Liquor Control Comm.**

Franklin App. No. 17AP-362, 2017-Ohio-9032. Reported at 152 Ohio St.3d 1465, 2018-Ohio-1795, 97 N.E.3d 501. On motion for reconsideration. Motion denied.

French and DeGenaro, JJ., dissent.

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for O'Donnell, J.

**2018-0198. Wynveen v. Corsaro.**

Cuyahoga App. No. 105538, 2017-Ohio-9170. Reported at 152 Ohio St.3d 1467, 2017-Ohio-1795, 97 N.E.3d 502. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2018-0297. In re T.W.**

Cuyahoga App. No. 105346, 2017-Ohio-8875. Reported at 152 Ohio St.3d 1482, 2017-Ohio-1990, 98 N.E.3d 295. On motion for reconsideration. Motion denied.

Kennedy, French, and DeGenaro, JJ., dissent.

**2018-0396. State v. Fhiaras.**

Cuyahoga App. No. 97740. Reported at 152 Ohio St.3d 1461, 2017-Ohio-1795, 97 N.E.3d 498. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2018-0400. In re A.K.**

Cuyahoga App. No. CA-17-105426, 2017-Ohio-9165. Reported at 152 Ohio St.3d 1468, 2018-Ohio-1795, 97 N.E.3d 502. On motion for reconsideration. Motion denied.

French, J., dissents.

## **PETITIONS TO TRANSFER**

**2018-0582. Jacobs v. Cuyahoga Cty. Bd. of Revision.**

Cuyahoga App. No. CA 18 106983 and Board of Tax Appeals, No. 2017-1002. On petition to transfer jurisdiction. Petition denied.

Kennedy and Fischer, JJ., dissent.