

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

August 1, 2018

[Cite as *8/01/2018 Case Announcements*, 2018-Ohio-3025.]

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## MERIT DECISIONS WITH OPINIONS

**2017-1735. *Disciplinary Counsel v. Skolnick*, Slip Opinion No. 2018-Ohio-2990.**

On Certified Report by the Board of Professional Conduct, No. 2017-027. Howard Evan Skolnick, Attorney Registration No. 0061905, last known address in Cleveland, Ohio, suspended from the practice of law in Ohio for one year, with six months stayed on conditions.

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

DeGenaro, J., not participating.

## MERIT DECISIONS WITHOUT OPINIONS

**2018-0574. *State ex rel. Fhiaras v. Gaul*.**

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.

**2018-0609. *State ex. rel. Freed v. Disciplinary Counsel*.**

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. Relator's motion to refer counsel and motion to accept amended affidavit denied as moot.

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

**2018-0643. State ex rel. Yanasak v. Baird.**

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

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

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motion to strike. Motion denied. On motion of amicus curiae for leave to file a memorandum in support of relator's opposition to respondents' joint motion to dismiss. Motion denied.

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

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

**2018-0648. State ex rel. Giant Petroleum, Inc. v. E. Cleveland.**

In Mandamus. 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.

**2018-0653. State ex rel. Phillips v. Zmuda.**

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

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

**2018-0662. Velez v. Allen Corr. Inst. Cashier.**

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

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

**2018-0666. State ex rel. McBroom v. Franklin Cty. Court of Appeals.**

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

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

**2018-0676. State ex rel. Griffin v. Tyack.**

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

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

**2018-0701. State ex rel. Clemons v. Kasich.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion to strike motion to dismiss, request for preliminary hearing, and motion to seal. Motions denied.

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

French, J., concurs in part and dissents in part and would grant relator's motion to seal exhibits.

**2018-0718. State ex rel. Montgomery v. Branstool.**

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

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

**2018-0730. Knuckles v. State.**

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

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

**2018-0754. Penland v. Dinkelacker.**

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.

**2018-0763. Washington v. Dept. of Rehab. & Corr.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0783. Baldwin v. Cincinnati.**

Miscellaneous case. 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.

**2018-0849. Woodard v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0853. Bey v. Neil.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0867. Gilbert v. Franklin Cty. Child Support Enforcement Agency.**

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**

**1995-0042. State v. Wogenstahl.**

Hamilton App. No. C930222. On appellant's motion for order or relief pursuant to S.C.Prac.R. 4.01. Motion denied.

O'Connor, C.J., and O'Donnell, Kennedy, Carr, Gallagher, and DeGenaro, JJ., concur.

French, J., concurs and would state that S.Ct.Prac.R. 4.01(A)(1) offers no basis for filing this motion.

Donna J. Carr, J., of the Ninth District Court of Appeals, sitting for Fischer, J.

Eileen T. Gallagher, J., of the Eighth District Court of Appeals, sitting for DeWine, J.

**2002-1604. State v. Jackson.**

Allen C.P. No. CR20020011. On appellant's amended motion for stay of execution. Motion denied as moot.

**2018-0200. State v. Myers.**

Wood App. No. WD-17-047. On appellant's motion for leave of court to certify a question of law. Motion denied.

**2018-0211. Curry v. Mansfield.**

Richland App. No. 17CA79. On appellant's amended motion for reversal and for other relief. Motion denied.

**2018-0212. Curry v. Mansfield.**

Richland App. No. 17CA80. On appellant's motion for reversal and for other relief. Motion denied.

**2018-0276. State v. Victor.**

Geauga App. No. 2017-G-0116, 2017-Ohio-8805. On appellant's motion for objection and to strike memorandum in response to jurisdiction. Motion denied.

**2018-0376. State v. Howard.**

Franklin App. No. 17AP-242, 2018-Ohio-309. On appellant's motion for release on bail. Motion denied. On appellant's motion for stay of sentence pending appeal. Motion denied.

**2018-0759. State v. Thomas.**

Cuyahoga App. No. 105375, 2018-Ohio-1081. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

**2018-0764. State v. Carter.**

Butler App. No. CA2017-04-045, 2018-Ohio-218. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

**2018-0766. State v. Prater.**

Franklin App. No. 17AP-374, 2018-Ohio-932. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

**2018-0768. State v. Hill.**

Franklin App. No. 15AP-928, 2016-Ohio-5205. On motion for leave to file delayed appeal. Motion denied.

**2018-0770. State v. Rieves.**

Cuyahoga App. No. 105386, 2018-Ohio-955. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Donnell and French, JJ., dissent.

**2018-0785. State v. St. Thomas.**

Mahoning App. No. 17 MA 0147, 2018-Ohio-817. On motion for leave to file delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2018-0616. Beverage Holdings, L.L.C. v. 5701 Lombardo, L.L.C.**

Cuyahoga App. No. 104559, 2017-Ohio-7090.

DeGenaro, J., not participating.

**2018-0626. Howard v. HCR ManorCare, Inc.**

Clark App. Nos. 2016-CA-75 and 2017-CA-16, 2018-Ohio-1053. Appeal accepted on proposition of law No. I.

Kennedy, J., would accept the cause on all propositions of law.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-0650. State v. Makin.**

Cuyahoga App. No. 104545, 2018-Ohio-1179.

**2018-0675. State v. Ercoli.**

Cuyahoga App. No. 104578, 2018-Ohio-1384.

**2018-0741. State v. Evans.**

Hamilton App. No. C-160419.

**2018-0860. State v. Dunn.**

Cuyahoga App. No. 101648, 2018-Ohio-1761.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-1862. State v. Myers.**

Warren C.P. No. 14CR29826. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-1903, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

Cynthia W. Rice, J., of the Eleventh District Court of Appeals, sitting for O'Neill, J.

**2015-2109. Lowe's Home Ctrs., Inc. v. Washington Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2014-4606. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-1974, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2018-0279. State v. Dixon.**

Montgomery App. No. 27652, 2018-Ohio-192. Reported at 142 Ohio St.3d 1481, 2018-Ohio-1990, 98 N.E.3d 295. On motion for reconsideration. Motion denied.

**2018-0386. Winkle v. Kroger Grocery Store #519.**

Franklin App. No. 17AP-50, 2017-Ohio-8461. Reported at 152 Ohio St.3d 1483, 2018-Ohio-1990, 98 N.E.3d 296. On motion for reconsideration. Motion denied.

**2018-0473. Johnson v. Celebrezze.**

In Prohibition. Reported at 152 Ohio St.3d 1487, 2018-Ohio-2154, 99 N.E.3d 424. On motion for reconsideration. Motion denied.