

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 12, 2018

[Cite as *12/12/2018 Case Announcements*, 2018-Ohio-4962.]

MERIT DECISIONS WITH OPINIONS

2016-1188. *Seaton Corp. v. Testa*, Slip Opinion No. 2018-Ohio-4911.

Board of Tax Appeals, Nos. 2015-224 and 2015-743. Decision affirmed.

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

2017-1031. *Embassy Healthcare v. Bell*, Slip Opinion No. 2018-Ohio-4912.

Warren App. No. CA2016-08-072, 2017-Ohio-1499. Judgment reversed.

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

Fischer, J., dissents.

DeWine, J., dissents, with an opinion.

MOTION AND PROCEDURAL RULINGS

2018-1411. *State v. Rucker*.

Cuyahoga App. No. 105628, 2018-Ohio-1832. On motion for leave to file delayed appeal. Motion denied.

Kennedy and French, JJ., dissent.

2018-1421. *State v. Kremer*.

Warren App. Nos. CA2017-07-115 and 116, 2018-Ohio-3339. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

2018-1477. State v. Hale.

Muskingum App. No. CT2016-0048, 2018-Ohio-2844. On motion for leave to file delayed appeal. Motion denied.

2018-1483. State v. Norris.

Stark App. No. 2018CA00007, 2018-Ohio-3482. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., dissents.

2018-1493. State v. Marshall.

Delaware App. No. 18 CAA 06 0046. On motion for leave to file delayed appeal. Motion denied.

2018-1499. State v. Douglas.

Athens App. No. 17CA6, 2018-Ohio-732. On motion for leave to file delayed appeal. Motion denied.

2018-1503. State v. Mayle.

Stark App. No. 2017CA00125, 2018-Ohio-2511. On motion for leave to file delayed appeal. Motion denied.

Fischer, DeWine, and DeGenaro, JJ., dissent.

2018-1505. State v. Zimmer.

Cuyahoga App. No. 104946, 2017-Ohio-4440. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

2018-1507. State v. Bruce.

Jefferson App. No. 17 JE 0023, 2018-Ohio-2478. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., dissents.

2018-1518. State v. Peck.

Sandusky App. No. S-17-031, 2018-Ohio-3406. On motion for leave to file delayed appeal. Motion denied.

DeWine and DeGenaro, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2018-1331. In re K.M.

Richland App. Nos. 18CA07 and 18CA08, 2018-Ohio-3144.
Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1348. State v. Pendleton.

Clark App. Nos. 2017-CA-9 and 2017-CA-17, 2018-Ohio-3199. Appeal accepted on proposition of law No. I.

French, J., would accept the appeal on all propositions of law.

DeGenaro, J., would accept the appeal on proposition of law No. III only.

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

2018-1375. In re D.T.

Richland App. No. 18-CA-33, 2018-Ohio-3252. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81 are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1376. In re M.T.

Richland App. No. 18-CA-32, 2018-Ohio-3251. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81 are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1377. In re R.T.

Richland App. No. 18-CA-34, 2018-Ohio-3330. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81 are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1379. In re J.T.

Richland App. No. 18-CA-35, 2018-Ohio-3331. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81 are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1380. In re S.K.

Richland App. No. 18-CA-36, 2018-Ohio-3332. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81

are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1381. In re T.K.

Richland App. No. 18-CA-37, 2018-Ohio-3333. Appeal accepted on proposition of law No. I only. Sua sponte, Nos. 2018-1375 through 77 and 2018-1379 through 81 are consolidated.

Kennedy, DeWine, and DeGenaro, JJ., dissent.

2018-1389. State v. Barnes.

Cuyahoga App. No. 105964, 2018-Ohio-3273.

Fischer, J., would accept the appeal on proposition of law No. I only.

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

APPEALS NOT ACCEPTED FOR REVIEW

2018-1162. State v. Were.

Hamilton App. Nos. C-170029 and C-170030. Motion to supplement record granted.

Fischer, J., dissents and would accept the appeal on proposition of law Nos. II and VII.

2018-1180. Tesar Indus. Contrs., Inc. v. Republic Steel.

Lorain App. Nos. 16CA010957 and 16CA010960, 2018-Ohio-2089.

O'Donnell, J., dissents and would accept the appeal on proposition of law Nos. I and II.

2018-1285. Pfalzgraf v. Miley.

Monroe App. Nos. 16 MO 0005 and 16 MO 0006, 2018-Ohio-2828.

Fischer, J., dissents and would accept the appeal on proposition of law Nos. I through IV and VII.

DeGenaro, J., dissents and would accept the appeal on proposition of law Nos. I through IV.

2018-1291. Moore v. Michalski.

Fairfield App. No. 17-CA-44, 2018-Ohio-3021.

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

Fischer, J., not participating.

2018-1292. State v. Pandey.

Fairfield App. Nos. 17 CA 40 through 42, 2018-Ohio-3020.
Fischer, J., dissents.

2018-1293. State v. Heimberger.

Marion App. No. 9-17-45, 2018-Ohio-3001.

2018-1295. State v. Grater.

Henry App. Nos. 7-18-01 through 18, 2018-Ohio-3000.

2018-1296. Weinberg v. Weinberg.

Montgomery App. No. 27834, 2018-Ohio-2862.

O'Donnell, J., dissents and would accept the appeal on proposition of law Nos. I and II.

2018-1302. State v. Dean.

Champaign App. No. 2017-CA-19.
Fischer, J., dissents.

2018-1303. State v. Taylor.

Montgomery App. No. 23990.

2018-1319. Thornton v. Lemon.

Stark App. No. 2017CA00237, 2018-Ohio-3150.

2018-1322. State v. Montalvo.

Knox App. No. 17 CA 000019, 2018-Ohio-3142.

2018-1323. State v. Braswell.

Lucas App. No. L-16-1197, 2018-Ohio-3208.

2018-1327. State v. Lundy.

Allen App. No. 1-18-45.

2018-1328. State v. Coleman.

Allen App. No. 1-18-46.

2018-1333. State v. Coyle.

Montgomery App. No. 27800, 2018-Ohio-3194.
O'Donnell, J., dissents.

2018-1334. State v. Parker.

Trumbull App. No. 2016-T-0097, 2018-Ohio-3239.

2018-1338. State v. Yarbrough.

Jefferson App. No. 17 JE 0027, 2018-Ohio-3428.

2018-1339. State v. McClellan.

Stark App. No. 2017CA00193, 2018-Ohio-3355.

2018-1344. State v. Simpson.

Gallia App. No. 17CA7.

2018-1345. State v. Oloye.

Franklin App. No. 17AP-902

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

2018-1346. State v. Smith.

Hamilton App. No. C-170028, 2018-Ohio-2504.

2018-1351. Middleton v. GEICO Secure Ins. Co.

Franklin App. No. 18AP-572.

2018-1356. State v. Workman.

Auglaize App. No. 2-18-03.

2018-1360. State v. Williams.

Cuyahoga App. No. 106266, 2018-Ohio-3368.

DeGenaro, J., not participating.

2018-1365. Pippo v. Fitzgerald.

Ottawa App. No. OT-17-026, 2018-Ohio-3303.

French, J., dissents.

2018-1366. State v. Harris.

Butler App. No. CA2017-11-161, 2018-Ohio-3222. Motion to amend notice of appeal and memorandum in support of jurisdiction granted.

French, J., would deny the motion to amend as moot.

2018-1371. State v. Norris.

Stark App. No. 2018CA00007, 2018-Ohio-3482.

2018-1372. State v. Krug.

Lake App. No. 2018-L-007, 2018-Ohio-3248.

2018-1378. State v. Lacy.

Ashtabula App. No. 2018-CA-0007.

2018-1385. State v. Dallman.

Clermont App. No. CA2017-11-056, 2018-Ohio-2670.

O'Donnell, J., dissents and would accept the appeal on proposition of law Nos. I and II.

2018-1391. Griffin Contracting & Restoration v. McIntyre.

Clermont App. No. CA2017-11-058, 2018-Ohio-3121.

French, J., dissents.

2018-1392. State v. Stuber.

Allen App. No. 1-17-38.

2018-1393. Grubbs v. Delphi Automotive Sys., L.L.C.

Trumbull App. No. 2017-T-0097, 2018-Ohio-2352.

O'Donnell, J., dissents.

2018-1394. In re T.W.

Cuyahoga App. No. 106231, 2018-Ohio-3275.

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

2018-1395. Attar v. Marine Towers E. Condominium Owners Assn.

Cuyahoga App. No. 106140, 2018-Ohio-3274.

DeGenaro, J., not participating.

2018-1402. Barnes v. Pasqualini.

Erie App. No. E-18-019.

2018-1407. In re D.R.

Shelby App. No. 17-17-21, 2018-Ohio-3434.

2018-1408. State v. Sales.

Stark App. No. 2018CA00087.

2018-1415. State v. Patterson.

Hamilton App. No. C-170329, 2018-Ohio-3348.

O'Connor, C.J., dissents and would accept the cause on proposition of law No. I only.

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

2018-1420. Tarullo v. Thompson.

Delaware App. No. 18 CAE 03 0023, 2018-Ohio-3378.

DeGenaro, J., not participating.

2018-1424. State v. Scott.

Warren App. No. CA2017-10-152, 2018-Ohio-2361.

2018-1426. State v. Stefan.

Cuyahoga App. No. 104979, 2018-Ohio-3493.

2018-1442. State v Caldwell.

Cuyahoga App. No. 106456, 2018-Ohio-3370.

2018-1450. State v. Noble.

Cuyahoga App. No. 106508, 2018-Ohio-3411.

2018-1457. State v. Thomas.

Hamilton App. Nos. C-170399 and C-170405.

Fischer, J., not participating.

2018-1458. State v. Van Tielen.

Brown App. No. CA2018-02-002, 2018-Ohio-3421.

French and Fischer, JJ., dissent and would accept the appeal and appoint counsel to the appellant.

2018-1465. State v. Boler.

Athens App. No. 18CA2, 2018-Ohio-3722.

2018-1467. State v. Palmer.

Richland App. No. 17 CA 13.

2018-1468. State v. Pryor.

Hamilton App. No. C-170432.

2018-1469. State v. Mathews.

Richland App. No. 18 CA 50, 2018-Ohio-3839.

2018-1485. State v. Tayse.

Summit App. No. 28912, 2018-Ohio-3474.

2018-1491. State v. Carter.

Cuyahoga App. No. 106462, 2018-Ohio-3671.

2018-1502. State v. El-Amin.

Franklin App. No. 18AP-287.

2018-1539. State v. Pennington.

Hamilton App. No. C-170200, 2018-Ohio-3640.

RECONSIDERATION OF PRIOR DECISIONS

2017-0241. In re Application of Dayton Power & Light Co.

Public Utilities Commission, Nos. 12-426-EL-SSO, 12-427-EL-ATA, 12-428-EL-AAM, 12-429-EL-WVR, and 12-672-EL-RDR. On appellant's motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

Anita Laster Mays, J., of the Eighth District Court of Appeals, sitting for O'Neill, J.

2017-0514. Ohio N. Univ. v. Charles Constr. Servs., Inc.

Hancock App. No. 5-16-01, 2017-Ohio-258. On appellee's motion for reconsideration. Motion denied.

2017-0589. State ex rel. Klein v. Precision Excavating & Grading Co.

Franklin App. No. 15AP-908, 2017-Ohio-1020. On appellee's motion for reconsideration. Motion denied.

2017-1360. State v. Bonnell.

Cuyahoga C.P. No. CR-87-223820. On appellant's motion for reconsideration. Motion denied.

O'Connor, C.J., and French and DeGenaro, JJ., dissent and would grant the motion in part and would clarify the analysis in paragraph 26 of the court's opinion.

2017-1409. Cincinnati Bar Assn. v. Fernandez.

Board of Professional Conduct No. 2016-041. On respondent's motion for reconsideration. Motion denied.

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

Michael T. Hall, J., of the Second District Court of Appeals, sitting for O'Neill, J.

2017-1644. Rogers v. Eppinger.

Lorain App. No. 17CA011193. On appellant's motion for reconsideration. Motion denied.

2018-0215. State ex rel. Simpson v. Cooper.

Hamilton App. No. C-1700606. On appellant's motion for reconsideration. Motion denied.

Fischer, J., not participating.

2018-0796. State v. Thomas.

Franklin App. No. 16AP-852, 2018-Ohio-758. On appellant's motion for reconsideration. Motion denied.

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

2018-0865. State ex rel. King v. Wells.

In Prohibition. On relator's motion for reconsideration. Motion denied.

2018-0964. State ex rel. Harris v. Kubicki.

In Mandamus and Prohibition. On relator's motion for en banc reconsideration. Motion denied.

2018-1003. State v. Woodson.

Cuyahoga App. No. 107244. On appellant's motion for reconsideration. Motion denied.

2018-1043. State v. Hammock.

Hamilton App. Nos. C-170217 and C-170218. On appellant's motion for reconsideration. Motion denied.

Fischer, J., not participating.

2018-1045. State v. Frederick.

Medina App. No. 15CA0107-M, 2018-Ohio-1566. On appellant's motion for reconsideration. Motion denied.

DISCIPLINARY CASES

2018-0158. Disciplinary Counsel v. Hull.

Sua sponte, Jonathan Hull, Attorney Registration No. 0003925, last known business address in Cleveland, Ohio, found in contempt for failure to file an affidavit of compliance on or before October 31, 2018.

2018-0249. Disciplinary Counsel v. Harter.

Sua sponte, Brian Wade Harter, Attorney Registration No. 0055500, last known business address in Delaware, Ohio, found in contempt for failure to file an affidavit of compliance on or before October 29, 2018.

2018-1227. Disciplinary Counsel v. Clutts.

Sua sponte, Raymond Edward Clutts, Attorney Registration No. 0058842, last known business address in Schaumburg, Illinois, found in contempt for failure to file an affidavit of compliance on or before October 29, 2018.