

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 26, 2018

[Cite as *12/26/2018 Case Announcements*, 2018-Ohio-5209.]

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## MERIT DECISIONS WITH OPINIONS

**2016-0899. *State v. Tench*, Slip Opinion No. 2018-Ohio-5205.**

Medina C.P. No. 14CR0541. Judgment affirmed in part and reversed in part.

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

Kennedy, J., concurs in judgment only in part and would affirm the judgment and sentence of the trial court.

**2017-0028. *State ex rel. Daniels v. Russo*, Slip Opinion No. 2018-Ohio-5194.**

Cuyahoga App. No. 104502, 2016-Ohio-8060. Judgment affirmed.

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

Kennedy, J., concurs in judgment only, with an opinion joined by DeWine, J.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeGenaro, J.

**2018-0269. *State ex rel. Henley v. Langer*, Slip Opinion No. 2018-Ohio-5204.**

Montgomery App. No. 27780. Judgment affirmed.

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

Kennedy, J., concurs in judgment only, with an opinion joined by DeWine, J.

## MOTION AND PROCEDURAL RULINGS

**2018-0797. *State v. Taylor*.**

Montgomery App. No. 27539, 2018-Ohio-1649. Sua sponte, cause no longer held for the decisions in 2017-0186, *State v. Dunson*, and 2017-1579 and 2017-1609,

*State v. Braden*, and stay of briefing schedule lifted. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Montgomery County, and the parties shall brief this case in accordance with the rules of practice of this court.

**2018-1206. State v. Holder.**

Madison App. No. CA2018-02-006, 2018-Ohio-3337. Sua sponte, cause no longer held for the decisions in 2017-0186, *State v. Dunson*, and 2017-1579 and 2017-1609, *State v. Braden*. The case is now held for the decision in 2018-0797, *State v. Taylor*, and the briefing schedule remains stayed.

**2018-1492. State ex rel. Swanson v. Dept. of Rehab. & Corr.**

Franklin App. No. 18AP-136, 2018-Ohio-3761. On appellee's motion to correct counsel of record. Motion denied as moot.

**2018-1534. State v. Smith.**

Seneca App. No. 13-17-38. 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 French and DeWine, JJ., dissent.

**2018-1558. State v. Brownlee.**

Cuyahoga App. No. 106395, 2018-Ohio-3308. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

DeGenaro, J., not participating.

**2018-1581. State v. Snuggs.**

Henry App. No. 7-18-19. On motion for leave to file delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2018-1410. State v. McClurg.**

Richland App. No. 17CA98, 2018-Ohio-3840. Appeal accepted and cause held for 2018-0376, *State v. Howard*, and briefing scheduled stayed. Appellant's motion to amend cover pages granted.

Kennedy and O'Donnell, JJ., dissent and would not accept the appeal.

**2018-1431. Lunsford v. Sterilite of Ohio, L.L.C.**

Stark App. No. 2017CA00232, 2018-Ohio-3437. First and second appeals accepted.  
DeWine and DeGenaro, JJ., dissent.  
O'Connor, C.J., not participating.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1326. State v. Heiney.**

Lucas App. No. L-16-1042, 2018-Ohio-3408.

Fischer, J., dissents and would accept the appeal on proposition of law No. V.

DeGenaro, J., dissents, and would accept the appeal on proposition of law No. II and hold the cause for the decision in 2018-0364, *State v. Boaston*.

**2018-1373. State v. Martin.**

Trumbull App. No. 2017-T-0014, 2018-Ohio-3244.

**2018-1388. State v. Ervin.**

Highland App. No. 18CA1, 2018-Ohio-3451.

**2018-1401. State v. Austin.**

Cuyahoga App. No. 107129, 2018-Ohio-3573.

**2018-1403. State v. Williams.**

Stark App. No. 2018CA00060, 2018-Ohio-3458.

O'Donnell and Fischer, JJ., dissent.

**2018-1404. In re M.W.**

Cuyahoga App. No. 105955, 2018-Ohio-2931.

O'Donnell, J., dissents.

**2018-1406. State v. Chandler.**

Stark App. Nos. 2018CA00046 and 2018CA00056, 2018-Ohio-3560.

**2018-1412. State v. Schee.**

Erie App. No. E-15-48.

**2018-1413. State v. Brown.**

Preble App. No. CA2017-09-010, 2018-Ohio-3338.

**2018-1414. State v. Houston.**

Cuyahoga App. Nos. 106055 and 106470, 2018-Ohio-3043.

**2018-1419. Hills & Hollers, L.L.C. v. Ohio Gathering Co., L.L.C.**

Belmont App. No. 17 BE 0040, 2018-Ohio-2814.

**2018-1422. Dublin v. Beatley.**

Delaware App. No. 18 CAE 01 0007, 2018-Ohio-3354.

Kennedy, J., dissents.

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

**2018-1429. Bonkoski v. Lorain Cty.**

Lorain App. Nos. 17CA011094, 17CA011120, and 17CA011122, 2018-Ohio-2540.

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

**2018-1430. State v. Sinclair.**

Cuyahoga App. No. 105726, 2018-Ohio-3363.

DeGenaro, J., not participating.

**2018-1441. State v. McRae.**

Shelby App. No. 17-17-23, 2018-Ohio-3435.

**2018-1443. Covell v. Covell.**

Pickaway App. No. 17CA19, 2018-Ohio-3546.

Kennedy, J., dissents.

**2018-1444. In re Estate of Germalic.**

Cuyahoga App. No. 106409, 2018-Ohio-2650.

**2018-1448. State v. Trimble.**

Portage App. No. 2017-P-0062, 2018-Ohio-3444.

**2018-1452. State v. Herrington.**

Cuyahoga App. No. 106225, 2018-Ohio-3049.

French, J., dissents and would accept the appeal on proposition of law No. II.

**2018-1455. State ex rel. Huth v. Bolivar.**

Tuscarawas App. No. 2018 AP 03 0013, 2018-Ohio-3460.

Kennedy, J., dissents.

**2018-1456. Taylor v. Mizer.**

Highland App. No. 18CA2, 2018-Ohio-3779.

**2018-1460. BP Metals, L.L.C. v. Glass.**

Paulding App. No. 11-17-08, 2018-Ohio-3527.

**2018-1463. State v. Martin.**

Montgomery App. No. 27844, 2018-Ohio-3505.

**2018-1464. State v. Jones.**

Portage App. No. 2017-P-0058, 2018-Ohio-3534.  
French, J., dissents.

**2018-1470. State v. Blevins.**

Cuyahoga App. No. 106115, 2018-Ohio-3583.

**2018-1471. State v. Callahan.**

Cuyahoga App. No. 106445, 2018-Ohio-3590.

**2018-1472. State v. Freeman.**

Cuyahoga App. No. 106374, 2018-Ohio-3587.  
O'Donnell, J., dissents.

**2018-1473. State v. Cantrel.**

Montgomery App. No. 27839, 2018-Ohio-3501.  
French, J., dissents.

**2018-1474. Lowder v. Kantik.**

Summit App. No. 28690, 2018-Ohio-3470.  
O'Donnell and French, JJ., dissent.

**2018-1476. State v. Walls.**

Hamilton App. No. C-170706.

**2018-1481. State v. Green.**

Trumbull App. No. 2017-T-0073, 2018-Ohio-3536.

**2018-1498. Ferrara v. Liberty Twp. Zoning Bd. of Appeals.**

Trumbull App. Nos. 2017-T-0075, 2017-T-0077, and 2017-T-0078, 2018-Ohio-3537.

O'Donnell, J., dissents and would accept the appeal on proposition of law No. I.

Kennedy, J., dissents.

**2018-1511. State v. Truesdale.**

Hamilton App. No. C-170501.

**2018-1520. State v. Dunlap.**

Summit App. No. 28762, 2018-Ohio-3658.

**2018-1525. State v. Bennett.**

Butler App. No. CA2017-09-138, 2018-Ohio-3623.

**2018-1533. State v. Wilson.**

Cuyahoga App. No. 105876, 2018-Ohio-3666.

DeGenaro, J., not participating.

**2018-1535. State v. Shelton.**

Hamilton App. No. C-170547, 2018-Ohio-3895.

**2018-1551. State v. Smith.**

Hamilton App. No. C-170431.

Fischer and DeWine, JJ., not participating.

**2018-1552. State v. Rock.**

Lake App. No. 2018-L-021, 2018-Ohio-4175.

**2018-1557. State v. Ellington.**

Hamilton App. No. C-170430.

**2018-1565. State v. Williams.**

Butler App. No. CA2018-03-055, 2018-Ohio-3990.

**2018-1569. In re T.C.**

Hamilton App. No. C-170565.

Fischer, J., not participating.

**2018-1578. In re A.T.**

Hamilton App. Nos. C-170467, C-170468, and C-170469.

French, J., dissents.

Fischer, J., not participating.

**2018-1580. State v. Wade.**

Franklin App. Nos. 17AP-134 and 17AP-282, 2018-Ohio-3803.

DeGenaro, J., dissents and would accept the cause on proposition of law No. I.

O'Donnell, J., not participating.

**2018-1583. State v. Morrissette.**

Hamilton App. No. C-170426, 2018-Ohio-3917.

**2018-1587. In re A.P.**

Lucas App. No. L-18-1063, 2018-Ohio-3818.

**2018-1618. RRL Holding Co. of Ohio, L.L.C. v. Stewart.**

Franklin App. No. 18AP-118, 2018-Ohio-3956.

**2018-1619. State v. Mincey.**

Hamilton App. No. C-160565, 2018-Ohio-662.

Fischer, J., not participating.

**2018-1627. State v. Barnes.**

Hamilton App. Nos. C-170355 and C-170356, 2018-Ohio-3894.

O'Donnell, J., dissents.

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

**RECONSIDERATION OF PRIOR DECISIONS**

**2016-1712. HCP EMOH, L.L.C. v. Washington Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2015-700. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-4750, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

French, DeWine, and DeGenaro, JJ., dissent.

Susan D. Brown, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

**2017-1640. State ex rel. Cannon v. Mohr.**

Marion App. No. 9-17-32. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-4184, \_\_ N.E.3d \_\_. On motion for leave to file and for reconsideration. Motion denied.

**2017-1709. State ex rel. Wellston City School Dist. Bd. of Edn. v. Ohio Facilities Constr. Comm.**

In Mandamus. Reported at 154 Ohio St.3d 1420, 2018-Ohio-4495, 111 N.E.3d 18. On motion for reconsideration. Motion denied.

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

**2018-0247. State ex rel. Keith v. Adult Parole Auth.**

Franklin App. No. 12AP-408, 2013-Ohio-2514. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-4246, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2018-0477. State ex rel. White v. Nusbaum.**

Ross App. No. 18CA3626. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-4489, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2018-0809. Disciplinary Counsel v. Marshall.**

On Certified Report by the Board of Professional Conduct, No. 2017-042. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-4174, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2018-0991. N. Ridgeville v. Roth.**

Lorain App. No. 17CA011083, 2018-Ohio-2564. Reported at 153 Ohio St.3d 1504, 2018-Ohio-4285, 109 N.E.3d 1260. On motion for reconsideration. Motion denied.

**2018-1142. Unifund CCR Partners v. Piaser.**

Ashtabula App. No. 2017-A-0003, 2018-Ohio-2575. Reported at 153 Ohio St.3d 1505, 2018-Ohio-4285, 109 N.E.3d 1261. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2018-1163. State ex rel. McBroom v. Gertmenian.**

In Mandamus. Reported at 153 Ohio St.3d 1501, 2018-Ohio-4288, 109 N.E.3d 1258. On motion for reconsideration. Motion denied. Relator's amended motion to remand trial cases denied.

**2018-1192. State v. Johnson.**

Cuyahoga App. No. 105560, 2018-Ohio-169. Reported at 153 Ohio St.3d 1506, 2018-Ohio-4285, 109 N.E.3d 1261. On motion for reconsideration. Motion denied. Appellant's motion for order of relief pursuant to S.Ct.Prac.R. 4.01(A) denied.

**2018-1239. Dahl v. Cleveland State Univ.**

Cuyahoga App. No. 107434. Reported at 154 Ohio St.3d 1423, 2018-Ohio-4496, 111 N.E.3d 21. On motion for reconsideration. Motion denied.

**2018-1286. Am. Water Mgt. Servs., L.L.C. v. Div. of Oil & Gas Resources Mgt.**

Franklin App. No. 17AP-145, 2018-Ohio-3028. Reported at 154 Ohio St.3d 1431, 2018-Ohio-4670, 111 N.E.3d 1192. On motion for reconsideration. Motion denied. Kennedy, J., dissents.

**2018-1316. State v. Hammock.**

Hamilton App. No. C-170264. Reported at 154 Ohio St.3d 1422, 2018-Ohio-4496, 111 N.E.3d 20. On motion for reconsideration. Motion denied. Fischer, J., not participating.

**2018-1317. Hammock v. Bruce.**

Hamilton App. Nos. C-180143 and C-180144. Reported at 154 Ohio St.3d 1422, 2018-Ohio-4496, 111 N.E.3d 20. On motion for reconsideration. Motion denied. Fischer, J., not participating.