

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 10, 2019

[Cite as *04/10/2019 Case Announcements*, 2019-Ohio-1315.]

MERIT DECISIONS WITH OPINIONS

2018-1038. Grinnell v. Bowen, Slip Opinion No. 2019-Ohio-1311.

Mahoning App. No. 18 MA 0007, 2018-Ohio-2791. Judgment affirmed.

O'Connor, C.J., and French, Fischer, Donnelly, and Stewart, JJ., concur.

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

2018-1490. Ridenour v. Shoop, Slip Opinion No. 2019-Ohio-1313.

Ross App. No. 18CA3659. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

2018-1761. Disciplinary Counsel v. Davis, Slip Opinion No. 2019-Ohio-1314.

On Certified Report by the Board of Professional Conduct, No. 2018-028. David William Davis, Attorney Registration No. 0019639, last known business address in Bridgeport, Ohio, publicly reprimanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2018-1122. State ex rel. Peaspanen v. Ashtabula Cty. Auditor's Office.

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

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

2018-1495. State ex rel. Mangun v. Olivito.

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. Respondent's motion for judgment on pleadings denied.

O'Connor, C.J., and French, Fischer, DeWine, and Stewart, JJ., concur.
Kennedy and Donnelly, JJ., not participating.

2018-1671. Grossman DT, Inc. v. Cuyahoga Cty. Court of Common Pleas.

In Mandamus and Prohibition. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2019-0025. Wardell v. Winters.

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

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

2019-0066. State ex rel. Higgins v. McCarty.

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

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

2019-0090. State ex rel. McGee v. Russo.

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

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

2019-0094. State ex rel. Kronenberg v. Eighth Dist. Court of Appeals.

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

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

Stewart, J., not participating.

2019-0102. White v. Bur. of Workers' Comp.

In Mandamus and Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2019-0103. White v. Fed. Natl. Mtges. Assn.

In Mandamus and Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2019-0110. State ex rel. Barnette v. Sweeney.

In Quo Warranto. On respondent's motion to dismiss. Motion granted. Cause dismissed. Relator's motion for leave denied as moot.

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

2019-0211. Bevins v. Cooper.

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

O'Connor, C.J., and Kennedy, French, DeWine, Donnelly, and Stewart, JJ., concur.

Fischer, J., not participating.

2019-0234. Gaston v. Wayne Cty. Child Support Enforcement Agency.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0241. McKinney v. Haviland.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0307. State ex rel. Kerr v. Turner.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2016-1882. State v. Graham.

Portage App. No. 2016 CR 107 E. On appellant's pro se motion for leave to amend appellant's merit brief and appellant's second pro se motion for leave to amend appellant's merit brief. Motions denied.

Stewart, J., dissents and would deny appellant's pro se motion for leave to amend appellant's merit brief and grant appellant's second pro se motion for leave to amend appellant's merit brief and order briefing on supplemental proposition of law No. 1.

2018-0369. Smith v. Marquis.

Richland App. No. 17 CA 37, 2018-Ohio-300. Sua sponte, Ohio Public Defender appointed to represent appellant for the pendency of this appeal. Sua sponte, the parties ordered to file supplemental briefs in this case addressing the following question: "Does the procedural error in the juvenile-bindover proceeding create a jurisdictional defect that deprived the general division of the common pleas court of subject-matter jurisdiction?" Appellant shall file his supplemental brief within 30 days. Appellee's supplemental brief is due within 20 days of the filing of appellant's supplemental brief. No reply briefs or requests or stipulations for extension of time shall be filed.

2019-0143. State v. Wolford-Lee.

Lake App. Nos. 2017-L-122, 2017-L-123, 2017-L-124, and 2017-L-125, 2018-Ohio-5064. On appellants' motion for stay of court of appeals' decision. Motion denied.

2019-0187. State v. Jones.

Hamilton App. No. C-170358, 2018-Ohio-4754. 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 January 11, 2019: "Where the state is permitted to exercise more than its allotted number of peremptory challenges in a criminal prosecution, does that circumstance constitute structural error requiring automatic reversal of a conviction, or is the defendant-appellant

required to demonstrate that prejudice has resulted from the error?”

The conflict case is *State v. Holloway*, 129 Ohio App.3d 790, 719 N.E.2d 70 (10th Dist.1998).

Kennedy, DeWine, and Donnelly, JJ., dissent.

2019-0214. State v. Blake.

Hocking App. No. 18CA6, 2018-Ohio-5413. On appellant’s motion for stay. Motion denied.

French and Donnelly, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2019-0078. State v. Nettles.

Sandusky App. No. S-17-053, 2018-Ohio-4908. Appeal accepted on proposition of law No. I.

French, J., would accept the cause on proposition of law Nos. I and II.

Fischer, J., would accept the cause on proposition of law Nos. I, II, and III.

Kennedy, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0054. In re L.S.

Ottawa App. Nos. OT-17-021 and OT-17-025, 2018-Ohio-4758.

French, Fischer, and Donnelly, JJ., dissent and would accept the cause on proposition of law No. I.

2019-0077. Solon v. Broderick.

Cuyahoga App. No. 107043, 2018-Ohio-4900.

Kennedy, Fischer, and Donnelly, JJ., dissent.

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

RECONSIDERATION OF PRIOR DECISIONS

2017-1387. Barclay Petroleum, Inc. v. Bailey.

Hocking App. No. 16CA14, 2017-Ohio-7547. Reported at __ Ohio St.3d __, 2018-Ohio-5136, __ N.E.3d __. On motion for reconsideration. Motion denied.

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