

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

February 6, 2019

[Cite as *02/06/2019 Case Announcements, 2019-Ohio-345.*]

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## MOTION AND PROCEDURAL RULINGS

### **2018-1736. State v. Samuels.**

Cuyahoga App. No. 106520, 2018-Ohio-3675. On motion for leave to file delayed appeal. Motion denied.

French and Donnelly, JJ., dissent.

Stewart, J., not participating.

### **2018-1737. State v. Petromilli.**

Lake App. No. 2016-L-071, 2018-Ohio-2574. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

### **2018-1767. State v. Hill.**

Stark App. No. 2017CA00183, 2018-Ohio-3901. 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 Kennedy and French, JJ., dissent.

### **2018-1768. State v. Berry.**

Hancock App. No. 5-16-16, 2017-Ohio-1490. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

### **2018-1773. State v. Davidson.**

Fayette App. Nos. CA2017-08-015 and CA2017-08-016, 2018-Ohio-1779. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

**2018-1775. State v. Wilson.**

Summit App. No. 28800, 2018-Ohio-2498. On motion for leave to file delayed appeal. Motion denied.

**2018-1776. State v. Shutes.**

Cuyahoga App. No. 105694, 2018-Ohio-2188. On motion for leave to file delayed appeal. Motion denied. Motions for appointment of counsel and for preparation of complete transcript of proceedings at state's expense denied.

O'Connor, C.J., and Fischer, J., would deny the motions for appointment of counsel and for preparation of transcript as moot.

**2018-1777. State v. Johnson.**

Cuyahoga App. No. 106141, 2018-Ohio-4023. On motion for leave to file delayed appeal. Motion denied.

Stewart, J., not participating.

**2018-1783. State v. Giuggio.**

Hamilton App. No. C-170133, 2018-Ohio-2376. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

**2018-1794. State v. Swoveland.**

Van Wert App. No. 15-17-14, 2018-Ohio-2875. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

**2018-1796. State v. Sanchez.**

Madison App. No. CA2017-11-020, 2018-Ohio-3851. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2018-1634. State v. Mathis.**

Muskingum App. No. CT2018-0011, 2018-Ohio-4090. Cause accepted and held for the decision in 2018-0312, *State v. Davis*.

Kennedy and Fischer, JJ., dissent.

**2018-1667. McAdams v. Mercedes-Benz USA, L.L.C.**

Franklin App. No. 17AP-120, 2018-Ohio-4078.

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

Stewart, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1268. State v. Kinley.**

Clark App. No. 2016-CA-11, 2018-Ohio-2423.

**2018-1428. State v. Mathew.**

Muskingum App. No. CT2017-0051, 2018-Ohio-3405.

Donnelly, J., dissents.

**2018-1489. U.S. Bank Natl. Assn. v. MMCO, L.L.C.**

Cuyahoga App. No. 107560.

French and Fischer, JJ., dissent.

**2018-1530. State v. Gibson.**

Muskingum App. No. CT2017-0094, 2018-Ohio-4013.

DeWine, J., dissents.

**2018-1595. State v. Jennings.**

Franklin App. No. 17AP-248, 2018-Ohio-3871.

**2018-1596. State v. Caruso.**

Hamilton App. No. C-170327.

**2018-1598. State v. Lawrence.**

Trumbull App. No. 2017-T-0107.

Donnelly and Stewart, JJ., dissent.

**2018-1599. Hoffman v. Hoffman.**

Hamilton App. Nos. C-170640 and C-170641.

**2018-1601. Am. Energy-Utica, L.L.C. v. Fuller.**

Guernsey App. No. 17 CA 000028, 2018-Ohio-3250.

Kennedy and French, JJ., dissent.

**2018-1603. State v. Perry.**

Columbiana App. No. 17 CO 0009, 2018-Ohio-3940.

**2018-1606. State v. Thomas.**

Hamilton App. No. C-170530.

**2018-1608. State v. Dawson.**

Pickaway App. No. 17CA8, 2018-Ohio-1157.

Donnelly, J., dissents.

**2018-1612. Victoria IP, L.L.C. v. Sanders.**

Franklin App. No. 18AP-82. Motion for stay denied.

Donnelly, J., dissents and would accept the cause on proposition of law No. II and would grant appellant's motion for stay.

**2018-1613. Schaefer v. Lake Hosp. Sys., Inc.**

Lake App. No. 2017-L-102, 2018-Ohio-3970.

Kennedy and DeWine, JJ., dissent.

**2018-1614. State v. Avery.**

Union App. No. 14-18-10.

**2018-1617. State v. Baker.**

Montgomery App. No. 27818, 2018-Ohio-3925.

Donnelly, J., dissents.

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

**2018-1620. State v. Bartulica.**

Erie App. No. E-17-065, 2018-Ohio-3978.

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

**2018-1621. State v. Perry.**

Cuyahoga App. No. 106723, 2018-Ohio-4117.

**2018-1622. Carkhuff v. Corpening.**

Ashtabula App. No. 2017-A-0090, 2018-Ohio-3972.

**2018-1625. State v. Taylor.**

Cuyahoga App. No. 106502, 2018-Ohio-3998.

Donnelly, J., dissents.

Stewart, J., not participating.

**2018-1628. State v. Schillinger.**

Portage App. No. 2018-P-0014, 2018-Ohio-3966.

**2018-1629. State v. Sowards.**

Gallia App. No. 18 CA 2. Motion to stay further execution of sentence denied.

**2018-1632. Fox v. Nationwide Mut. Ins. Co.**

Franklin App. No. 17AP-745, 2018-Ohio-2830.

**2018-1635. State v. Smith.**

Hamilton App. Nos. C-160836 and C-160837, 2017-Ohio-8558.

Fischer, J., not participating.

**2018-1640. State v. West.**

Butler App. No. CA2017-07-0091.

**2018-1646. Parker v. Northside Mattress.**

Hamilton App. No. C-170548.

**2018-1651. State v. Jones.**

Franklin App. No. 18AP-59, 2018-Ohio-3463.

**2018-1652. State v. Carter.**

Cuyahoga App. No. 104874, 2018-Ohio-2238.

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

**2018-1656. State v. Reese.**

Trumbull App. No. 2002-T-0068.

**2018-1658. State v. Avery.**

Union App. No. 14-18-12.

**2018-1668. McVean v. McVean.**

Butler App. No. CA2018-03-054, 2018-Ohio-4062.

Kennedy, J., dissents.

**2018-1669. State v. Gaffney.**

Guernsey App. No. 18 CA 4, 2018-Ohio-4094.

**2018-1672. State v. Jordan.**

Cuyahoga App. No. 106273, 2018-Ohio-4108.

Donnelly, J., dissents.

Stewart, J., not participating.

**2018-1673. Weber v. GEICO Cas. Co.**

Wood App. No. WD-18-003, 2018-Ohio-4158.

French and Stewart, JJ., dissent.

**2018-1675. State v. Miller.**

Geauga App. No. 2017-G-0136, 2018-Ohio-4379. Motion to order appellee to serve appellant with a copy of opposing memorandum in support of jurisdiction denied.

Kennedy and Fischer, JJ., would deny the motion to order as moot.

**2018-1676. State v. Whitman.**

Stark App. No. 2017CA00079, 2018-Ohio-2924.

**2018-1677. State v. Williams.**

Hamilton App. No. C-160336, 2017-Ohio-8898.

Fischer, J., not participating.

**2018-1678. State v. Vance.**

Jackson App. No. 17CA9, 2018-Ohio-4479. Motions for appointment of counsel and for preparation of statements, praecipe, and notice to court reporter for a complete copy of the transcripts denied, and request for oral argument denied.

**2018-1685. State v. Hunt.**

Scioto App. No. 17CA3811, 2018-Ohio-4183.

**2018-1686. State v. Pettaway.**

Wood App. No. WD-17-040, 2018-Ohio-4241.

**2018-1688. State v. Carter.**

Cuyahoga App. No. 106690, 2018-Ohio-4115.  
Donnelly and Stewart, JJ., dissent.

**2018-1689. Hollis v. Hollis.**

Morrow App. No. 2018CA0002, 2018-Ohio-4097.

**2018-1694. State v. Devore.**

Ashland App. No. 18-COA-011, 2018-Ohio-4189. Motion to strike memorandum in response to jurisdiction denied.  
O'Connor, C.J., would deny the motion to strike as moot.

**2018-1696. Smith v. Smith.**

Portage App. No. 2018-P-0065, 2018-Ohio-4176.

**2018-1703. State v. Kegley.**

Crawford App. No. 3-18-03, 2018-Ohio-4167.

**2018-1708. State v. Holmes.**

Butler App. No. CA2017-08-115, 2018-Ohio-2086.

**2018-1710. State v. Webb.**

Summit App. No. 28437, 2018-Ohio-4199.

**2018-1714. State v. Gray.**

Cuyahoga App. No. 106828, 2018-Ohio-4417.

**2018-1717. CitiMortgage, Inc. v. Stanley.**

Greene App. No. 2018-CA-13, 2018-Ohio-4229.

**2018-1723. State v. Taylor.**

Montgomery App. No. 27879, 2018-Ohio-4628.

**2018-1727. State v. Bates.**

Guernsey App. No. 18CA11, 2018-Ohio-3632.

**2018-1729. State v. Panezich.**

Mahoning App. No. 17 MA 0087, 2018-Ohio-4411.

**2018-1741. State v. Stevens.**

Montgomery App. No. 27872, 2018-Ohio-4439.

**2018-1747. State v. Johnson.**

Scioto App. No. 17CA3814, 2018-Ohio-4516.

**2018-1749. State v. Morris.**

Montgomery App. No. 27875, 2018-Ohio-4527.

**2018-1779. State v. Prater.**

Franklin App. No. 17AP-374, 2018-Ohio-932.

**2018-1799. State v. Castorella-Sotella.**

Montgomery App. No. 27522, 2018-Ohio-2655.