

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 26, 2019

[Cite as *11/26/2019 Case Announcements*, 2019-Ohio-4840.]

MERIT DECISIONS WITHOUT OPINIONS

2019-1319. Galluzzo v. Springhetti.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-1350. Curtis v. Wainwright.

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

2019-1305. State v. Gibson.

Lucas App. No. L-17-1212, 2018-Ohio-4454. 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.

2019-1311. State v. Dennard.

Lorain App. No. 17CA011199, 2019-Ohio-2601. 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., dissents.

2019-1316. State v. Jones.

Clark App. No. 2018-CA-94, 2019-Ohio-1548. 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 Fischer and DeWine, JJ., dissent.

2019-1318. State v. Mitchell.

Cuyahoga App. No. 107242, 2019-Ohio-1357. 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.

2019-1341. State v. Hall.

Trumbull App. No. 2017-T-0032, 2019-Ohio-1676. On motion for leave to file delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1342. State v. Martin.

Sandusky App. No. S-18-024, 2019-Ohio-2659. 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 DeWine, J., dissent.

2019-1357. State v. Settle.

Trumbull App. No. 2015-T-0119, 2017-Ohio-703. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2019-1232. Binder v. Cuyahoga Cty.

Cuyahoga App. Nos. 106665 and 106666, 2019-Ohio-1236. Appeal accepted on proposition of law Nos. I through IV.

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

French, J., would hold the cause for the decision in 2019-0084, *Pivonka v. Sears*.

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

Stewart, J., not participating.

2019-1250. State v. Lozada.

Cuyahoga App. No. 107827, 2019-Ohio-3040. Appeal accepted. Sua sponte, cause held for the decision in 2018-0948, *State v. Miller*.

Kennedy, J., dissents.

2019-1274. Ohioans for Concealed Carry v. Columbus.

Franklin App. No. 18AP-605, 2019-Ohio-3105. Appeal accepted on proposition of law No. I.

Kennedy and Donnelly, JJ., would accept the appeal on all propositions of law.

DeWine, J., would also accept the appeal on proposition of law No. III.

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

2019-1355. A.J.R. v. Toledo City School Dist. Bd. of Edn.

Lucas App. No. L-18-1004.

DeWine, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0761. State v. Barton.

Belmont App. No. 15 BE 0082, 2019-Ohio-580.

Donnelly, J., dissents and would accept the appeal on proposition of law No. I.

2019-0930. State v. George.

Cuyahoga App. No. 106317, 2018-Ohio-5156.

2019-0967. State v. Rarden.

Butler App. No. CA2018-12-230, 2019-Ohio-2161.

2019-1003. State v. Albright.

Cuyahoga App. No. 107632, 2019-Ohio-1998.

2019-1087. John D. Smith Co., L.P.A. v. Lipsky.

Greene App. No. 19-CA-45.

Fischer, J., dissents.

2019-1224. State v. Dotson.

Trumbull App. No. 2017-T-0103, 2019-Ohio-2393.

2019-1231. M.W.L v. S.H.B.

Cuyahoga App. No. 107258, 2019-Ohio-3036.

2019-1235. State v. Figueroa.

Trumbull App. No. 2018-T-0071, 2019-Ohio-3151.

2019-1236. State v. Fisher.

Jackson App. No. 19CA5, 2019-Ohio-3334.

Donnelly, J., dissents and would appoint counsel.

2019-1238. Taylor v. Heary.

Cuyahoga App. No. 107474, 2019-Ohio-3094.

2019-1246. State v. Somers.

Muskingum App. No. CT2019-0020, 2019-Ohio-3157.

2019-1248. Watson v. Franklin Univ.

Franklin App. No. 18AP-146, 2019-Ohio-2929.

French, J., not participating.

2019-1251. Williams v. Bur. of Sentence Computation.

Cuyahoga App. No. 107626, 2019-Ohio-997.

2019-1252. State v. Parker.

Butler App. No. CA2017-12-176, 2019-Ohio-830.

2019-1258. State v. Brown.

Hamilton App. No. C-180181, 2019-Ohio-3349.

Fischer, J., dissents.

2019-1259. A to Z Portion Control Meats, Inc. v. Strahm.

Allen App. No. 1-19-05.

French, J., dissents.

2019-1261. Hillman v. Larrison.

Franklin App. No. 18AP-896, 2019-Ohio-2537.

French, J., not participating.

2019-1264. Ohioans for Concealed Carry v. Columbus.

Franklin App. No. 18AP-605, 2019-Ohio-3105.

Donnelly, J., dissents.

2019-1267. Kubyn v. Follett.

Geauga App. No. 2019-G-0194, 2019-Ohio-3152.

Fischer, J., dissents.

2019-1270. State v. Walker.

Montgomery App. No. 28111, 2019-Ohio-3121.

2019-1272. Estate of Mikulski v. Centerior Energy Corp.

Cuyahoga App. No. 107108, 2019-Ohio-983.

2019-1273. State v. Harris.

Cuyahoga App. No. 107897, 2019-Ohio-3102.

French and Donnelly, JJ., dissent.

2019-1278. State v. Jones.

Mahoning App. No. 18 MA 0078, 2019-Ohio-3340.

Donnelly, J., dissents and would appoint counsel.

2019-1288. State v. Goins.

Wayne App. No. 18AP0046, 2019-Ohio-3135.

French, J., dissents.

2019-1291. State v. Wogenstahl.

Hamilton App. No. C-180556.

Fischer and DeWine, JJ., not participating.

2019-1310. State v. Benson.

Hamilton App. No. C-180128, 2019-Ohio-3255.

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

2019-1331. State v. Rivera.

Clark App. No. 2018-CA-117, 2019-Ohio-3296.

Donnelly, J., dissents.

2019-1339. Evans v. Dept. of Rehab. & Corr.

Franklin App. No. 18AP-713, 2019-Ohio-3788.

French, J., not participating.

2019-1343. State v. Hale.

Summit App. No. 28334, 2017-Ohio-7048.

Donnelly, J., dissents.

2019-1345. Chang v. Time Warner Cable.

Franklin App. No. 19AP-101, 2019-Ohio-3465.

French, J., not participating.

2019-1380. State v. Suggs.

Summit App. Nos. 29500, 29501, and 29502.

Donnelly, J., dissents and would appoint counsel.

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

2019-1385. State v. Wade.

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

RECONSIDERATION OF PRIOR DECISIONS

2018-0833. State ex rel. Beyer v. Autoneum N. Am., Inc.

Franklin App. No. 17AP-276, 2018-Ohio-1700. Reported at __ Ohio St.3d __, 2019-Ohio-3714, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0277. State ex rel. McDougald v. Greene.

In Mandamus. Reported at 157 Ohio St.3d 1419, 2019-Ohio-3798, 131 N.E.3d 941. On motion for reconsideration. Motion denied. Relator's motion for relief from judgment denied.

Kennedy, J., dissents.

2019-0822. State v. Price.

Cuyahoga App. No. 107096, 2019-Ohio-1642. Reported at 157 Ohio St.3d 1417, 2019-Ohio-3797, 131 N.E.3d 952. On motion for reconsideration of decision declining to accept jurisdictional appeal on proposition of law Nos. I and II. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-0899. State v. Frierson.

Cuyahoga App. No. 106841, 2019-Ohio-317. Reported at 157 Ohio St.3d 1419, 2019-Ohio-3797, 131 N.E.3d 961. On motion for reconsideration. Motion denied.
Fischer and Donnelly, JJ., dissent.

2019-0902. Oehler v. McAdams.

Summit App. No. 28903, 2019-Ohio-1976. Reported at 157 Ohio St.3d 1405, 2019-Ohio-3731, 131 N.E.3d 75. On motion for reconsideration. Motion denied.

2019-0910. Vucsko v. Cleveland Urology Assocs., Inc.

Cuyahoga App. No. 107498, 2019-Ohio-1992. Reported at 157 Ohio St.3d 1406, 2019-Ohio-3731, 131 N.E.3d 76. On motion for reconsideration. Motion denied.
Kennedy, French, and DeWine, JJ., dissent.

2019-0918. Cleveland v. Clark.

Cuyahoga App. No. 107634, 2019-Ohio-1999. Reported at 157 Ohio St.3d 1406, 2019-Ohio-3731, 131 N.E.3d 77. On motion for reconsideration. Motion denied.
French and Donnelly, JJ., dissent.

2019-0947. State v. Fornshell.

Hamilton App. No. C-180267. Reported at 156 Ohio St.3d 1499, 2019-Ohio-3505, 130 N.E.3d 302. On motion for reconsideration. Motion denied.

2019-1014. Dixon v. Bowerman.

In Habeas Corpus. Reported at 157 Ohio St.3d 1416, 2019-Ohio-3797, 131 N.E.3d 959. On motion for reconsideration. Motion denied.

2019-1029. Dugas v. Harris.

In Habeas Corpus. Reported at 157 Ohio St.3d 1416, 2019-Ohio-3797, 131 N.E.3d 959. On motion for reconsideration. Motion denied.

DISCIPLINARY CASES

2019-1365. Columbus Bar Assn. v. Family.

On Certified Report by the Board of Professional Conduct, No. 2019-032. Respondent, Christian Manning Family, Attorney Registration No. 0074728, last known business address in Columbus, Ohio, suspended from the practice of law for one year, fully stayed on conditions.