

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 4, 2020

[Cite as 02/04/2020 Case Announcements, 2020-Ohio-313.]

MERIT DECISIONS WITHOUT OPINIONS

2019-1685. Price v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

Kennedy, J., would dismiss the cause for failure to state a claim.

2019-1687. Davis v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-1706. Williams v. Fender.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-1730. Banks v. Fender.

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

2019-1650. State v. Franklin.

Cuyahoga App. No. 107454, 2019-Ohio-3759. 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.

2019-1651. State v. Herron.

Montgomery App. No. 28146, 2019-Ohio-3292. On motion for leave to file delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1667. State v. Norman.

Franklin App. No. 19AP-106, 2019-Ohio-4020. On motion for leave to file delayed appeal. Motion fails for want of four votes.

Kennedy, Fischer, and Donnelly, JJ., would grant the motion.

French, J., not participating.

2019-1686. State v. Baxter.

Cuyahoga App. No. 106187, 2018-Ohio-2237. On motion for leave to file delayed appeal. Motion denied.

2019-1688. State v. Sarr.

Montgomery App. No. 28187, 2019-Ohio-3398. 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.

2019-1704. State v. Simmons.

Hamilton App. No. C-180200. On motion for leave to file delayed appeal. Motion denied.

French and Donnelly, JJ., dissent.

Fischer, J., not participating.

2019-1727. State v. Boyd.

Clark App. No. 2018-CA-68, 2019-Ohio-1902. On motion for leave to file delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2019-1515. Miller v. Mellott.

Monroe App. No. 18 MO 0004. Appeal not accepted and cross-appeal accepted. Sua sponte, cause held for the decision in 2019-1494, *West v. Bode*.

O'Connor, C.J., would not accept the cross-appeal.

Kennedy, J., would accept the appeal and would not hold the cause.

French, J., would accept the appeal on proposition of law Nos. I through III and would hold the cause also for 2019-1123, *Gerrity v. Chervenak*.

Fischer, J., would accept the appeal on proposition of law No. IV and would not hold the cause.

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

2019-1560. Wilson v. Durrani.

Hamilton App. Nos. C-180194 and C-180196, 2019-Ohio-3880.

Brown, Donnelly, and Stewart, JJ., dissent.

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

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

2019-1594. State v. Serna.

Champaign App. No. 2018 CA 00016. Appeal accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2019-0655, *State v. Patrick*.

Donnelly, J., would accept the appeal on both propositions of law.

Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2019-1229. State v. Moore.

Lake App. No. 2018-L-070, 2019-Ohio-2396.

Donnelly, J., dissents and would appoint counsel.

2019-1305. State v. Gibson.

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

2019-1316. State v. Jones.

Clark App. No. 2018-CA-94, 2019-Ohio-1548.

2019-1318. State v. Mitchell.

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

2019-1354. Ohio Terminal Ry. Co. v. Hannibal Dev., L.L.C.

Monroe App. No. 19 MO 0015.

Kennedy, French, and Fischer, JJ., dissent.

2019-1362. Kerr Bldgs., Inc. v. Bishop.

Henry App. No. 7-19-06.

2019-1502. State v. DeGarmo.

Muskingum App. No. CT2018-0061, 2019-Ohio-4050.

Kennedy, J., dissents.

2019-1533. State v. Gedeon.

Summit App. No. 29153, 2019-Ohio-3348.

2019-1537. State v. Moore.

Trumbull App. No. 2018-T-0056, 2019-Ohio-2512.

2019-1538. Herceg v. Lifson.

Washington App. No. 18CA17, 2019-Ohio-4072.

2019-1541. Canton v. Cameron.

Stark App. No. 2018CA00179, 2019-Ohio-3850.

Kennedy and Stewart, JJ., dissent.

2019-1542. Milosavljevic v. Milosavljevic.

Monroe App. No. 18 MO 0019, 2019-Ohio-3966.

Kennedy, J., dissents.

2019-1543. State v. Johnson.

Hamilton App. No. C-170354, 2019-Ohio-3877.

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

2019-1545. Lucas Cty. Treasurer v. Mt. Airy Invests. Ltd.

Lucas App. No. L-18-1254, 2019-Ohio-3932.

Fischer, J., dissents.

2019-1547. Hensel v. Childress.

Hamilton App. No. C-180100, 2019-Ohio-3934.

Kennedy, J., dissents.

2019-1549. Bernard v. Wodarczyk.

Franklin App. No. 18AP-628, 2019-Ohio-4144.

Donnelly, J., dissents.

2019-1556. Cheng v. Haney.

Delaware App. No. 18 CAE 06 0041, 2019-Ohio-2144.

2019-1557. Berns Custom Homes, Inc. v. Johnson.

Cuyahoga App. No. 107943, 2019-Ohio-3890.

French, J., dissents.

2019-1558. State v. Berry.

Franklin App. No. 18AP-9, 2019-Ohio-3902.

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

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

French, J., not participating.

2019-1559. State v. Kamal.

Lucas App. No. L-18-1094, 2019-Ohio-3928.

Donnelly, J., dissents.

2019-1562. State v. Macklin.

Lucas App. No. L-18-1139, 2019-Ohio-4008.

2019-1564. Meyers v. Hadsell Chem. Processing, L.L.C.

Franklin App. No. 18AP-387, 2019-Ohio-2982.

French, Fischer, and DeWine, JJ., dissent.

2019-1565. Burger Dynasty, Inc. v. Bar 145 Franchising, L.L.C.

Lucas App. No. L-19-1027, 2019-Ohio-4006.

2019-1569. J.W. v. D.W.

Franklin App. No. 19AP-52, 2019-Ohio-4018.

2019-1573. Arnold v. O'Malley.

Franklin App. No. 19AP-658.

2019-1578. Binsara, L.L.C. v. Bolog.

Stark App. Nos. 2017CV01748 and 2019CA00013, 2019-Ohio-4040.
Kennedy, J., dissents.

2019-1579. In re N.W.F.

Jefferson App. No. 18 JE 0030, 2019-Ohio-3956.

2019-1581. State v. Talbert.

Hamilton App. No. C-170247, 2019-Ohio-3163.

2019-1582. C.S.J. v. S.E.J.

Cuyahoga App. No. 107401, 2019-Ohio-3273.

2019-1583. State v. Smith.

Portage App. No. 2016-P-0074, 2018-Ohio-4799.

Donnelly, J., dissents and would accept the appeal on proposition of law No. III and would appoint counsel.

2019-1587. U.S. Bank Natl. Assn. v. Collins.

Cuyahoga App. No. 108344, 2019-Ohio-4067.

2019-1589. State v. Rodriques.

Cuyahoga App. No. 102507, 2019-Ohio-4051.

2019-1592. State v. Littlepage.

Hamilton App. No. C-180524.

Fischer and DeWine, JJ., not participating.

2019-1595. Ebersole v. Powell.

Delaware App. No. 2018 CAI 12 0098, 2019-Ohio-3073.

2019-1598. Desmond v. Mahoning Cty. Prosecutor's Office.

Mahoning App. No. 2018 MA 0109, 2019-Ohio-4089.

French, J., dissents.

2019-1599. In re J.C.

Hamilton App. No. C-180493, 2019-Ohio-4027.
Stewart, J., dissents.

2019-1602. Bethel v. Infrasource Constr., L.L.C.

Allen App. No. 1-19-008.
Kennedy, J., dissents.

2019-1604. State v. Tiedjen.

Cuyahoga App. No. 106794, 2019-Ohio-2430.
Kennedy, J., dissents.

2019-1605. Chiaverini, Inc. v. Napoleon.

Henry App. No. 7-19-04.

2019-1607. State v. Banks.

Seneca App. No. 13-19-14.

2019-1610. Hillman v. Franklin Cty. Prosecutor's Office.

Franklin App. No. 19AP-571.

2019-1611. State v. Doogs.

Wood App. Nos. WD-15-073 and WD-16-027, 2017-Ohio-6914.

2019-1614. State v. Smith.

Mahoning App. No. 19 MA 0064, 2019-Ohio-4501.

2019-1616. Turner v. Dimex, L.L.C.

Washington App. No. 19CA3, 2019-Ohio-4251.
French and Donnelly, JJ., dissent.

2019-1617. Bank of Am. v. Rogers.

Cuyahoga App. No. 107464, 2019-Ohio-1443.
Fischer, J., dissents and would accept the appeal on proposition of law No. I.

2019-1618. State v. Shuster.

Morgan App. No. 18AP0007, 2019-Ohio-4233.
Donnelly, J., dissents.

2019-1620. Watkins v. Mgt. & Training Corp.

Marion App. No. 9-19-38.

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

2019-1622. State v. Jackson.

Butler App. No. CA2019-06-093, 2019-Ohio-4206.

2019-1624. Squire v. Carlisle Twp.

Lorain App. No. 18CA011435, 2019-Ohio-3984.

Stewart, J., dissents.

2019-1626. Newman v. Ohio Civ. Rights Comm.

Montgomery App. No. 28401, 2019-Ohio-4183.

2019-1628. Koehler v. Durrani.

Hamilton App. No. C-180204.

Fischer and DeWine, JJ., not participating.

2019-1634. State v. Turnbull.

Richland App. No. 19CA12, 2019-Ohio-4192.

2019-1635. State v. Mitchell.

Cuyahoga App. No. 107242, 2019-Ohio-4256.

2019-1641. Wood v. Simmers.

Franklin App. No. 19AP-275, 2019-Ohio-4440.

2019-1645. State v. Sanders.

Hamilton App. Nos. C-140579 and C-140580, 2015-Ohio-5232.

2019-1654. State v. Gies.

Hamilton App. No. C-180497.

2019-1658. State v. Johnson.

Franklin App. No. 18AP-889, 2019-Ohio-4265.

2019-1672. State v. Wright.

Cuyahoga App. No. 108026, 2019-Ohio-4460.

Donnelly, J., dissents and would accept the appeal on proposition of law No. II and would appoint counsel.

2019-1679. State v. Emans.

Union App. No. 14-19-03.

2019-1694. State v. Reed.

Montgomery App. No. 28272, 2019-Ohio-3295.

2019-1695. State v. Yuschak.

Medina App. No. 18CA0106-M, 2019-Ohio-4394.

2019-1697. State v. Taylor.

Montgomery App. No. 28276, 2019-Ohio-4485.

French, J., dissents and would appoint counsel.

2019-1703. State v. Smith.

Hamilton App. No. C-180645.

Fischer and DeWine, JJ., not participating.

2019-1709. State v. Sands.

Lake App. No. 2019-L-050, 2019-Ohio-4736.

2019-1710. Mousa v. Saad.

Marion App. No. 9-19-33, 2019-Ohio-4406.

Kennedy, J., dissents.

2019-1733. State v. Faccio.

Richland App. No. 19CA92.

RECONSIDERATION OF PRIOR DECISIONS

2018-0616. Beverage Holdings, L.L.C. v. 5701 Lombardo, L.L.C.

Cuyahoga App. No. 104559, 2017-Ohio-7090. Reported at __ Ohio St.3d __, 2019-Ohio-4716, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy and DeWine, JJ., dissent.

Julie A. Schafer, J., of the Ninth District Court of Appeals, sitting for Stewart, J.

2019-0582. State ex rel. Sands v. Culotta.

Lake App. No. 2018-L-004, 2019-Ohio-925. Reported at __ Ohio St.3d __, 2019-Ohio-4741, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

Cuyahoga App. No. 107258, 2019-Ohio-3036. Reported at 157 Ohio St.3d 1496, 2019-Ohio-4840, 134 N.E.3d 1215. On motion for reconsideration. Motion denied.

2019-1273. State v. Harris.

Cuyahoga App. No. 107897, 2019-Ohio-3102. Reported at 157 Ohio St.3d 1497, 2019-Ohio-4840, 134 N.E.3d 1206. On motion for reconsideration. Motion denied.

French and Donnelly, JJ., dissent.