

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

July 1, 2020

[Cite as *07/01/2020 Case Announcements*, 2020-Ohio-3473.]

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## MERIT DECISIONS WITH OPINIONS

**2018-0447. State ex rel. O’Diam v. Greene Cty. Bd. of Commrs., Slip Opinion No. 2020-Ohio-3503.**

In Mandamus. Writ denied. Relator’s motion regarding court costs denied. Relator’s motion for extension of time denied as moot.

O’Connor, C.J., and Kennedy, DeWine, Donnelly, and Stewart, JJ., concur.  
French, J., dissents, with an opinion joined by Fischer, J.

**2019-1377. State ex rel. Martin v. Tuscarawas Cty. Job & Family Servs., Slip Opinion No. 2020-Ohio-3507.**

In Mandamus. Writ denied.

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

French, J., concurs in judgment only.

## MERIT DECISIONS WITHOUT OPINIONS

**2019-0518. State ex rel. Frank v. Clermont Cty. Prosecutor.**

In Mandamus. Sua sponte, alternative writ granted. The following briefing schedule is set for the 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.

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

**2020-0155. State ex rel. Gordon v. Summit Cty. Mun. Court.**

In Mandamus and Prohibition. On respondents' motion to dismiss amended complaint. Motion granted. Respondents' motions to declare petitioner a vexatious litigator, "motion to strike petitioner's motion to deny & in contra to respondents' motion to dismiss and motion to declare petitioner vexatious litigator," and motion for leave to file response in opposition to motion for leave to file second amended complaint denied. Relator's motion for leave for an order to file response to respondents' response, motion for leave to file second amended complaint pursuant to S.Ct.Prac.R. 12.04, S.Ct.Prac.R. 3.13, and Civ.R. 15(A), and motion to deny respondents' motion to dismiss and motion to declare petitioner vexatious litigator denied. Relator's motion to deny respondents' motion to strike petitioner's second amended complaint denied as moot. Respondents' motion to strike second amended complaint, "amended motion to strike motion in response to respondents' motion to dismiss and motion to declare petitioner vexatious litigator," and motion to strike petitioner's motion for leave to file second amended complaint denied as moot. Cause dismissed.

Kennedy, French, and Donnelly, JJ., concur.

Fischer and DeWine, JJ., would grant respondents' motions to declare petitioner a vexatious litigator.

Stewart, J., concurs in part and dissents in part and would grant an alternative writ as to counts 12 and 15 through 18.

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

**2020-0218. State v. De La Cruz.**

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

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

**2020-0296. State ex rel. Windsor v. Morckel.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Joseph Clark's motion for leave to intervene, motion for sanctions, motion to dismiss, and motion to find relator a vexatious litigator denied. Cause dismissed.

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

Fischer, J., would grant the motion for sanctions.

**2020-0331. State ex rel. Robinson v. Summit Cty. Court of Common Pleas.**

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

Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

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

**2020-0332. State ex rel. Robinson v. Summit Cty. Court of Common Pleas.**

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

Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

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

**2020-0333. State ex rel. Robinson v. Summit Cty. Court of Common Pleas.**

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

Kennedy, Fischer, DeWine, and Stewart, JJ., concur.

French and Donnelly, JJ., dissent.

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

**2020-0345. State ex rel. Sands v. Culotta.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion in response to the motion to dismiss and relator's motion for default denied. Cause dismissed.

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

**2020-0351. State ex rel. Flores v. Will.**

In Mandamus. On relators' motion for peremptory writ of mandamus. Motion denied. Respondents' motion for judgment on pleadings and relators' "motion to strike and objections" granted. Relators' motion to expedite denied as moot. Cause dismissed.

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

**2020-0366. Bank of New York Mellon v. Ackerman.**

Miscellaneous case. On relator's declaration of judicial emergency. Declaration denied. Relator's "emergency motion for immediate stay of sheriff sale, confirmation of sale, and writ of restitution/possession," "emergency judicial notice," motion to expedite, and "motion for leave to file emergency motion to participate in mediation and a stay of proceedings order" denied. Sua sponte, cause dismissed.

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

**2020-0390. State ex rel. Estate of Dates v. Hamilton Cty. Court of Common Pleas.**

In Mandamus and Prohibition. On respondents' motions to dismiss. Motions granted. Motion of respondents Hamilton County Court of Common Pleas, Judge Leslie E. Ghiz, Magistrate Anita P. Berding, Aftab Pureval, Hamilton County Sheriff's Office, Sheriff Jim Neil, Deputy Sheriff Sergeant Rick Snow, and Assistant Prosecuting Attorney Lawrence C. Baron to declare relator a vexatious litigator denied. Cause dismissed.

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

**2020-0392. Johnson v. Goulding.**

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.

**2020-0395. State ex rel. Wynn v. Krumholtz.**

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.

**2020-0402. State ex rel. Sands v. Culotta.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for default denied as moot. Cause dismissed.

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

**2020-0409. State ex rel. Martinez-Castro v. Callahan.**

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

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

**2020-0418. Arnoff v. State.**

In Prohibition. Sua sponte, cause dismissed.

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

**2020-0497. State ex rel. Thompson v. Gall.**

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

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

**2020-0512. State ex rel. Horsley v. Hall.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Respondents' motion to stay discovery denied as moot. Cause dismissed.

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

**2020-0524. State ex rel. Moore v. Northwest Ohio Corr. Ctr.**

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.

## MOTION AND PROCEDURAL RULINGS

### **2017-0389. State ex rel. Armatas v. Haas.**

In Prohibition. On relators' motion for sanctions against legal counsel for intervening respondents pursuant to S.Ct.Prac.R. 4.03(A). Motion denied.

### **2019-1572. State v. Taylor.**

Fayette App. No. CA2018-11-021, 2019-Ohio-3437. On appellant's motion for order or relief. Motion granted.

### **2020-0549. State v. Jarvis.**

Muskingum App. No. CT2019-0029, 2020-Ohio-1127. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in the court of appeals' April 17, 2020 entry: "Whether Ohio's Sub.S.B. No. 231, 'Sierah's Law,' R.C. 2903.42 et seq., creating a violent offender database, which became effective March 20, 2019, violates Section 28, Article II of the Ohio Constitution, Ohio's constitutional prohibition on retroactive statutes, when retroactively applied to an offense that occurred before March 20, 2019." The conflict case is *State v. Hubbard*, 2020-Ohio-856, \_\_ N.E.3d \_\_ (12th Dist.).

Appellee's motion to dismiss denied. Appellee's motion for appointment of the Ohio Public Defender as counsel for appellant granted.

### **2020-0625. State v. Hubbard.**

Butler App. No. CA2019-05-086, 2020-Ohio-856. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 3 of the court of appeals' May 14, 2020 entry: "Does retroactive application of the violent offender database enrollment statutes codified in sections 2903.41 through 2903.44 of the Revised Code, commonly known as 'Sierah's Law,' violate the Retroactivity Clause of the Ohio Constitution, as set forth in Article 11, Section 28 of the Ohio Constitution?" The conflict case is *State v. Jarvis*, 2020-Ohio-1127, \_\_ N.E.3d \_\_ (5th Dist.). Sua sponte, cause consolidated with 2020-0544, *State v. Hubbard*.

## **APPEALS ACCEPTED FOR REVIEW**

### **2020-0341. *Lycan v. Cleveland.***

Cuyahoga App. Nos. 107700 and 107737, 2019-Ohio-3510. Appeal accepted on proposition of law No. I and cross-appeal not accepted.

Kennedy, J., would accept the appeal on both propositions of law and would accept the cross-appeal.

French, Donnelly, and Stewart, JJ., would not accept the appeal.

Fischer, J., would accept the cross-appeal.

### **2020-0544. *State v. Hubbard.***

Butler App. No. CA2019-05-086, 2020-Ohio-856. Sua sponte, cause consolidated with 2020-0625, *State v. Hubbard*.