

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 7, 2020

[Cite as 07/07/2020 Case Announcements, 2020-Ohio-3634.]

MERIT DECISIONS WITHOUT OPINIONS

2020-0637. Sanderson v. Folley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-0638. Mohamed v. Eckelberry.

In Habeas Corpus. Sua sponte, writ allowed and return of writ ordered. Respondent shall file a return of writ within 21 days of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court not required.

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

Stewart, J., would grant the writ.

Kennedy, J., dissents and would dismiss the cause.

MOTION AND PROCEDURAL RULINGS

2020-0441. State v. Bowen.

Licking App. No. 19-CA-93. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0473. State v. Conley.

Adams App. No. 19CA1091. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0487. State v. Martin.

Montgomery App. No. 28494. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0488. State v. Prescott.

Cuyahoga App. No. 107784, 2019-Ohio-5114. 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, J., dissent.

2020-0504. State v. Henderson.

Montgomery App. No. 28241, 2020-Ohio-6. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

French and DeWine, JJ., dissent.

2020-0505. State v. Burks.

Cuyahoga App. No. 106639, 2018-Ohio-4777. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2020-0514. State v. Leu.

Lucas App. No. L-17-1265, 2019-Ohio-3404. On motion for leave to file delayed appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

2020-0529. State v. Williams.

Richland App. No. 2019 CA 00083, 2020-Ohio-77. 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.

2020-0530. State v. Gassaway.

Muskingum App. No. CT2019-0067. On motion for leave to file delayed appeal. Motion denied.

2020-0561. State v. Miller.

Lawrence App. No. 18CA9, 2019-Ohio-4239. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Donnelly, and Stewart, JJ., dissent.

2020-0578. State v. Hill.

Henry App. No. 7-18-25. On motion for leave to file delayed appeal. Motion denied.

2020-0627. State v. Hrytsyak.

Cuyahoga App. No. 108506, 2020-Ohio-920. 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 and Stewart, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2020-0191. State ex rel. Ohio History Connection v. Moundbuilders Country Club Co.

Licking App. No. 2019 CA 00039, 2020-Ohio-276.

Fischer, J., would accept the appeal on proposition of law No. I only.

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

2020-0338. State v. Glenn.

Montgomery App. No. 28736. Appellant's motion to amend memorandum in support of jurisdiction granted.

O'Connor, C.J., and DeWine, J., dissent and would not accept the appeal.

Kennedy, J., dissents.

2020-0415. State v. Bond.

Richland App. No. 2019-CA-0033. Appellee's motion to strike denied.

DeWine, J., would grant the motion.

O'Connor, C.J., and Donnelly, J., dissent and would not accept the appeal and would deny the motion as moot.

French, J., dissents and would not accept the appeal.

2020-0433. Richmond Mill, Inc. v. Ferraro.

Jefferson App. No. 18 JE 0015, 2020-Ohio-585. Appeal and cross-appeal accepted. Sua sponte, cause held for the decision in 2019-1494, *West v. Bode*.

Kennedy, J., would not hold the cause.

DeWine, J., would accept the cross-appeal on proposition of law Nos. I and III only.

Stewart, J., dissents.

2020-0495. State v. Jordan.

Hamilton App. Nos. C-180559 and C-180560, 2020-Ohio-689.

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

APPEALS NOT ACCPETED FOR REVIEW

2019-1459. State v. Ramirez.

Butler App. No. CA2018-12-233, 2019-Ohio-3050.

Donnelly, J., dissents.

2020-0071. State v. White.

Vinton App. No. 19CA715, 2019-Ohio-4562.

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

2020-0166. State v. Henderson.

Cuyahoga App. No. 108127, 2020-Ohio-1377.

2020-0224. State v. Rosemond.

Hamilton App. No. C-180221, 2019-Ohio-5356.

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

Stewart, J., dissents.

2020-0319. State ex rel. Lindsay v. Turner.

Marion App. No. 9-19-45, 2020-Ohio-146.

2020-0321. Murphy v. Hall.

Trumbull App. No. 2019-T-0022, 2020-Ohio-163.

2020-0323. State v. Keeton.

Guernsey App. No. 19-CA-000026, 2020-Ohio-247.

2020-0344. State v. Chapman.

Cuyahoga App. No. 107375, 2020-Ohio-182.

2020-0363. Kpan v. Columbus City Pub. Schools.

Franklin App. No. 20AP-25. Appellee's motion to dismiss denied.

French, J., would deny the motion as moot.

Donnelly and Stewart, JJ., would grant the motion.

2020-0370. State v. Williams.

Cuyahoga App. No. 108275, 2020-Ohio-269.

2020-0372. Saint Paris v. Galuzzo.

Champaign App. No. 2019-CA-19, 2020-Ohio-308.

2020-0375. State v. James.

Hancock App. No. 5-19-30, 2020-Ohio-720.

2020-0380. State v. Lavender.

Hamilton App. No. C-180003, 2019-Ohio-5352.

French, J., dissents and would accept the appeal on proposition of law Nos. VII and IX.

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

2020-0383. Cleveland v. Graham.

Cuyahoga App. No. 108232, 2020-Ohio-379.

French, J., dissents.

2020-0394. State v. Babyak.

Madison App. No. CA2019-08-025, 2020-Ohio-325.

O'Connor, C.J., dissents and would accept the appeal and would affirm the judgment on the authority of *State v. Taylor*, __ Ohio St.3d __, 2020-Ohio-3514, __ N.E.3d __.

2020-0400. State v. Young.

Cuyahoga App. No. 108790, 2020-Ohio-577.

2020-0417. Arnold v. Durrani.

Hamilton App. No. C-180566, 2019-Ohio-5351.
Fischer and DeWine, JJ., not participating.

2020-0425. Lowe's Home Ctrs., L.L.C. v. Brooklyn City Schools Bd. of Edn.

Franklin App. No. 19AP-179, 2020-Ohio-464.
Kennedy and Donnelly, JJ., dissent.
French, J., not participating.

2020-0430. Grange Mut. Ins. Co. v. Patino.

Franklin App. No. 19AP-278, 2020-Ohio-466.
Kennedy and Donnelly, JJ., dissent.
French, J., not participating.

2020-0431. State v. Creech.

Scioto App. No. 19CA3877, 2020-Ohio-582.

2020-0436. State v. Kiser.

Sandusky App. No. S-17-047, 2019-Ohio-3603.

2020-0448. Fried v. Abraitis.

Cuyahoga App. No. 109386.
Stewart, J., not participating.

2020-0451. Messenger v. Marion Cty. Prosecutor's Office.

Marion App. No. 9-19-62, 2020-Ohio-851.

2020-0453. State v. Burton.

Cuyahoga App. No. 107054, 2020-Ohio-375.

2020-0465. State v. Wainwright.

Mahoning App. No. 19 MA 0023, 2020-Ohio-623.

2020-0466. Thompson v. Cuyahoga Cty. Clerk of Courts.

Cuyahoga App. No. 108806, 2020-Ohio-382.

2020-0475. State v. Paige.

Mahoning App. No. 17 MA 033.

2020-0499. State v. Williams.

Butler App. No. 2019-09-162.

2020-0501. State v. Mitchem.

Jackson App. Nos. 19CA10 and 19CA11, 2020-Ohio-1080.

2020-0502. KeyBank Natl. Assn. v. Thalman.

Cuyahoga App. No. 108123, 2020-Ohio-660.

Donnelly, J., dissents.

2020-0516. Kennedy v. Specht.

Ashtabula App. No. 2019-A-0066, 2020-Ohio-624.

2020-0517. State v. Stein.

Mercer App. No. 10-19-04, 2020-Ohio-721.

Donnelly and Stewart, JJ., dissent.

2020-0518. State v. Jacobs.

Hamilton App. No. C-190154, 2020-Ohio-895.

2020-0522. Kemen v. Street.

Butler App. No. CA2018-11-222, 2020-Ohio-725.

2020-0525. State v. Williams.

Hamilton App. No. C-180291, 2020-Ohio-1228.

2020-0532. State v. Infante.

Trumbull App. No. 2019-T-0043, 2020-Ohio-992.

2020-0543. State v. Tolle.

Adams App. No. 19CA1095, 2020-Ohio-935.

2020-0545. State v. Forston.

Cuyahoga App. No. 108332, 2020-Ohio-569.

2020-0548. State v. Rognon.

Logan App. No. 8-19-14, 2019-Ohio-4222. Appellee's motion to dismiss denied.

Donnelly, J., would grant the motion.

2020-0555. State v. Stoddard.

Summit App. No. 29428, 2020-Ohio-893.

Kennedy, J., dissents.

2020-0558. State v. Harding.

Madison App. No. CA2019-05-012, 2020-Ohio-1067.

Donnelly, J., dissents.

2020-0560. State v. Milner.

Erie App. No. E-19-053, 2020-Ohio-1160.

Donnelly, J., dissents and would appoint counsel.

2020-0567. State v. Rossing.

Franklin App. No. 18AP-784, 2020-Ohio-885.

2020-0573. State v. Ndiaye.

Franklin App. No. 19AP-10, 2020-Ohio-1008.

Fischer, J., dissents.

2020-0583. State v. Gregory.

Lucas App. No. L-19-1063, 2020-Ohio-1155.

2020-0597. State v. Douglass.

Licking App. No. 2019 CA 00056, 2020-Ohio-1214. Appellant's motion for stay denied.

O'Connor, C.J., and French, J., would deny the motion as moot.

2020-0598. State v. Stefan.

Cuyahoga App. No. 108487, 2020-Ohio-1276.

2020-0617. CitiMortgage, Inc. v. Osborne.

Summit App. No. 29692.

2020-0633. State v. Leech.

Trumbull App. No. 2019-T-0042, 2020-Ohio-1440.

RECONSIDERATION OF PRIOR DECISIONS

2018-0364. State v. Boaston.

Lucas App. No. L-15-1274, 2017-Ohio-8770. Reported at __ Ohio St.3d __, 2020-Ohio-1061, __ N.E.3d __. On motion for reconsideration. Motion denied.

2018-1137. Nationwide Mut. Fire Ins. Co. v. Pusser.

Mahoning App. No. 17 MA 0117, 2018-Ohio-3597. Reported at __ Ohio St.3d __, 2020-Ohio-2778, __ N.E.3d __. On motion for reconsideration. Motion denied.

Fischer, J., not participating.

2018-1331. In re K.M.

Richland App. Nos. 18CA07 and 18CA08, 2018-Ohio-3144. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On amended motion for reconsideration. Motion denied.

2018-1375. In re D.T.

Richland App. No. 18-CA-33, 2018-Ohio-3252. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration of Richland County Children Services. Motion denied.

2018-1376. In re M.T.

Richland App. No. 18-CA-32, 2018-Ohio-3251. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration of Richland County Children Services. Motion denied.

2018-1377. In re R.T.

Richland App. No. 18-CA-34, 2018-Ohio-3330. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration of Richland County Children Services. Motion denied.

2018-1379. In re J.T.

Richland App. No. 18-CA-35, 2018-Ohio-3331. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration of Richland County Children Services. Motion denied.

2018-1380. In re S.K.

Richland App. No. 18-CA-36, 2018-Ohio-3332. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration. Motion denied.

2018-1381. In re T.K.

Richland App. No. 18-CA-37, 2018-Ohio-3333. Reported at __ Ohio St.3d __, 2020-Ohio-995, __ N.E.3d __. On motion for reconsideration of Richland County Children Services. Motion denied.

2019-1180. State ex rel. McDougald v. Greene.

In Mandamus. Reported at __ Ohio St.3d __, 2020-Ohio-2782, __ N.E.3d __. On motion for reconsideration. Motion denied. Relator's motion for relief from judgment denied.

2019-1196. State ex rel. Kerr v. Kelsey.

Wood App. No. WD-19-047, 2019-Ohio-3215. Reported at __ Ohio St.3d __, 2020-Ohio-1057, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-1279. State ex rel. McIntyre v. Ninth Dist. Court of Appeals.

In Mandamus and Prohibition. Reported at 158 Ohio St.3d 1480, 2020-Ohio-1487, 143 N.E.3d 516. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

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

2020-0049. State v. Russell.

Montgomery App. No. 28167, 2019-Ohio-3397. Reported at 158 Ohio St.3d 1451, 2020-Ohio-1090, 141 N.E.3d 978. On motion for reconsideration. Motion denied.

2020-0064. State ex rel. Whitt v. Shoop.

In Mandamus and Prohibition. Reported at 158 Ohio St.3d 1480, 2020-Ohio-1487, 143 N.E.3d 521. On motion for reconsideration. Motion denied.

2020-0089. Horsley v. Ohio Dept. of Job & Family Servs.

Scioto App. No. 18CA3860, 2019-Ohio-3353. Reported at 158 Ohio St.3d 1437, 2020-Ohio-877, 141 N.E.3d 251. On motion for reconsideration. Motion denied. Motion for leave to amend memorandum in support of jurisdiction denied.

French, Donnelly, and Stewart, JJ., dissent.

2020-0090. State v. Williams.

Cuyahoga App. No. 106998, 2019-Ohio-3035. Reported at 158 Ohio St.3d 1435, 2020-Ohio-877, 141 N.E.3d 247. On motion for reconsideration. Motion denied.

Donnelly, J., not participating.

2020-0104. JPMorgan Chase Bank, Natl. Assn. v. Liggins.

Franklin App. No. 18AP-725, 2019-Ohio-1076. Reported at 158 Ohio St.3d 1437, 2020-Ohio-877, 141 N.E.3d 252. On motion for reconsideration. Motion denied.

French, J., not participating.

2020-0129. State ex rel. Mobley v. O'Donnell.

In Mandamus. Reported at 158 Ohio St.3d 1481, 2020-Ohio-1487, 143 N.E.3d 523. On motion for reconsideration. Motion denied.

Kennedy, J., not participating.

2020-0130. Karnofel v. Superior Waterproofing, Inc.

Trumbull App. No. 2018-T-0055, 2019-Ohio-1409. Reported at 158 Ohio St.3d 1465, 2020-Ohio-1393, 142 N.E.3d 702. On motion for reconsideration. Motion denied.

2020-0216. State v. Franklin.

Cuyahoga App. No. 107482, 2019-Ohio-3760. Reported at 158 Ohio St.3d 1488, 2020-Ohio-1634, 143 N.E.3d 533. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

2020-0236. Mack v. Toledo.

Lucas App. No. L-19-1010, 2019-Ohio-5427. Reported at 158 Ohio St.3d 1489, 2020-Ohio-1634, 143 N.E.3d 533. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents.