

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 24, 2020

[Cite as *11/24/2020 Case Announcements*, 2020-Ohio-5332.]

MERIT DECISIONS WITHOUT OPINIONS

2020-1186. *State ex rel. Thomas v. Haviland.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

Fischer, J., not participating.

2020-1201. *Robinson v. Wainwright.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-1204. *State v. Ford.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-1227. *Neal v. Wainwright.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

French, J., not participating.

MOTIONS AND PROCEDURAL RULINGS

2020-1182. State v. Smith.

Cuyahoga App. No. 108727, 2020-Ohio-3717. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Fischer and DeWine, JJ., dissent.

2020-1202. State v. Bradley.

Cuyahoga App. No. 108983, 2020-Ohio-3460. 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.

APPEALS ACCEPTED FOR REVIEW

2020-1078. State ex rel. Ohio Atty. Gen. v. Burns.

Montgomery App. No. 28496, 2020-Ohio-3820.

French, J., not participating.

2020-1092. Siltstone Servs., L.L.C. v. Guernsey Cty. Community Dev. Corp.

Guernsey App. No. 19CA000047, 2020-Ohio-3877. Sua sponte, cause held for the decision in 2020-0031, *Siltstone Resources, L.L.C. v. Ohio Pub. Works Comm.*

Kennedy, J., would not hold the cause.

French, J., not participating.

2020-1096. State v. Jordan.

Adams App. No. 19CA1105, 2020-Ohio-3928.

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

2020-1099. Siltstone Servs., L.L.C. v. Guernsey Cty. Community Dev. Corp.

Guernsey App. No. 19CA000047, 2020-Ohio-3877. Appeal accepted on proposition of law Nos. I through III.

O'Connor, C.J., and DeWine and Stewart, JJ., would hold the cause for 2020-0031, *Siltstone Resources, L.L.C. v. Ohio Pub. Works Comm.*

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

Fischer and Donnelly, JJ., dissent.

French, J., not participating.

2020-1117. State v. Harrison.

Logan App. No. 8-19-48, 2020-Ohio-3920.

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

2020-1129. Ohio Pub. Works Comm. v. Barnesville.

Belmont App. No. 19 BE 0011, 2020-Ohio-4034. Appeal accepted on proposition of law Nos. I through III.

O'Connor, C.J., and DeWine, J., would hold the cause for the decision in 2020-0031, *Siltstone Resources, L.L.C. v. Ohio Pub. Works Comm.*

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

Stewart, J., would accept the appeal on all propositions of law and would hold the cause for the decision in 2020-0031, *Siltstone Resources, L.L.C. v. Ohio Pub. Works Comm.*

Donnelly, J., dissents.

French, J., not participating.

2020-1242. State v. Toles.

Madison App. No. CA2019-07-018, 2020-Ohio-4267.

Kennedy and DeWine, JJ., dissent.

O'Connor, C.J., and Fischer and Stewart, JJ., would hold the cause for the decision in 2018-0444, *State v. Jones*.

APPEALS NOT ACCEPTED FOR REVIEW

2020-0849. State v. Cole.

Erie App. No. E-18-061, 2019-Ohio-5425.

2020-0916. State v. Torres.

Medina App. No. 19CA0076-M, 2020-Ohio-3691.

2020-0921. State v. Ellison.

Coshocton App. Nos. 2019CA0014 and 2019CA0015, 2020-Ohio-1130.

2020-0940. State v. Watkins.

Allen App. No. 01-19-48.

2020-0984. State v. Panezich.

Mahoning App. No. 18 MA 0085, 2020-Ohio-3636.

2020-0996. State v. Rivers.

Lucas App. No. L-19-1040, 2020-Ohio-3492.

2020-1048. State v. Roberts.

Hamilton App. No. C-190570.

Fischer and DeWine, JJ., not participating.

2020-1081. Abdul-Khaliq v. Hrebluk.

Licking App. Nos. 2019-CA-00114 and 2019-CA-00116.

2020-1083. State v. Fitts.

Wood App. Nos. WD-18-092 and WD-8-093, 2020-Ohio-1154.

Fischer, J., dissents and would accept the appeal on proposition of law No. III.

2020-1084. State v. Howard.

Montgomery App. No. 28314, 2020-Ohio-3819.

2020-1095. State v. Petway.

Lake App. No. 2019-L-124, 2020-Ohio-3848.

Kennedy, French, and Donnelly, JJ., dissent.

2020-1097. State v. Kaufhold.

Butler App. No. CA2019-09-148, 2020-Ohio-3835.

2020-1098. State v. Ellis.

Fairfield App. No. 2020CA00004, 2020-Ohio-3910.

2020-1100. Heimberger v. Heimberger.

Lake App. No. 2019-L-139, 2020-Ohio-3853.

2020-1101. In re L.G.

Seneca App. Nos. 13-19-52 and 13-19-53, 2020-Ohio-3844.

2020-1102. State v. McClafferty.

Geauga App. No. 2020-G-0238, 2020-Ohio-3238.

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

2020-1108. State v. Johnson.

Cuyahoga App. No. 108937, 2020-Ohio-3892.

2020-1115. State v. Lee.

Montgomery App. No. 28125, 2020-Ohio-3987.
Kennedy, J., dissents.

2020-1123. Fiedeldey v. Finneytown Local School Dist. Bd. of Edn.

Hamilton App. No. C-190366, 2020-Ohio-3960.
Donnelly, J., dissents.

2020-1124. State v. Parsons.

Henry App. No. 7-20-01, 2020-Ohio-3917.
Donnelly, J., dissents.

2020-1132. Craig v. State.

Lake App. No. 2016-L-113, 2017-Ohio-8939.
Donnelly, J., dissents.

2020-1135. Cuyahoga Cty. v. United Autoworkers Region 2-B, Local 70, Corr. Officer Corporals' Bargaining Unit.

Cuyahoga App. No. 108411, 2020-Ohio-3965.
Donnelly, J., dissents.

2020-1153. State v. Martre.

Lucas App. Nos. L-19-1185 and L-19-1236, 2020-Ohio-3067.

2020-1155. State v. Waiters.

Stark App. No. 2019CA00011, 2020-Ohio-4126.

2020-1165. In re S.H.

Butler App. Nos. CA2020-02-0023 and CA2020-02-0024.
Kennedy and Fischer, JJ., dissent.

2020-1178. State v. White.

Franklin App. No. 19-AP-153, 2020-Ohio-4313.

2020-1208. State v. James.

Mahoning App. No. 18 MA 0064, 2020-Ohio-4289.

2020-1210. State v. Boyce.

Clark App. No. 2018-CA-77, 2020-Ohio-3573.

RECONSIDERATION OF PRIOR DECISIONS

2017-0938. State v. Froman.

Warren C.P. No. 2014-CR-30398. Reported at __ Ohio St.3d __, 2020-Ohio-4523, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0324. Put-in-Bay v. Mathys.

Ottawa App. Nos. OT-18-006 and OT-18-007, 2019-Ohio-162. Reported at __ Ohio St.3d __, 2020-Ohio-4421, __ N.E.3d __. On motion for reconsideration. Motion denied.

Robin N. Piper, J., of the Twelfth District Court of Appeals, sitting for French, J.

2019-1058. In re Complaint of Direct Energy Business, L.L.C. v. Duke Energy Ohio, Inc.

Public Utilities Commission, No. 14-1277-EL-CSS. Reported at __ Ohio St.3d __, 2020-Ohio-4429, __ N.E.3d __. On motion for reconsideration. Motion denied.

2020-0621. State v. Westley.

Cuyahoga App. No. 108847, 2020-Ohio-809. Reported at 159 Ohio St.3d 1519, 2020-Ohio-4388, 152 N.E.3d 320. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

2020-0812. Peppertree Farms, L.L.C. v. Thonen.

Stark App. No. 2019CA00159, 2020-Ohio-3042. Reported at 160 Ohio St.3d 1407, 2020-Ohio-4574, 153 N.E.3d 104. On motion for reconsideration. Motion granted as to proposition of law No. I. Cause remains held for the decision in 2019-1494, *West v. Bode*, and briefing schedule remains stayed.

Kennedy, Donnelly, and Stewart, JJ., would grant the motion as to all propositions of law.

Fischer, J., would consolidate the cause with 2020-0814, *Peppertree Farms, L.L.C. v. Thonen*.

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

2020-0814. Peppertree Farms, L.L.C. v. Thonen.

Stark App. No. 2019CA00161, 2020-Ohio-3043. Reported at 160 Ohio St.3d 1407, 2020-Ohio-4574, 153 N.E.3d 105. On motion for reconsideration. Motion granted as to proposition of law Nos. II and III. Cause remains held for the decision in 2019-1494, *West v. Bode*, and briefing schedule remains stayed.

O'Connor, C.J., would grant the motion as to proposition of law No. III only.

Kennedy, Donnelly, and Stewart, JJ., would grant the motion as to all propositions of law.

Fischer, J., would consolidate the cause with 2020-0812, *Peppertree Farms, L.L.C. v. Thonen*.

French and DeWine, JJ., dissent.

2020-0843. State ex rel. Smith v. McCafferty.

In Prohibition. Reported at 160 Ohio St.3d 1404, 2020-Ohio-4458, 153 N.E.3d 99. On motion for reconsideration. Motion denied. Relator's objection denied.

Kennedy, J., would deny relator's objection as moot.

Fischer, J., dissents.

2020-0852. State ex rel. Doogs v. Reger.

In Prohibition. Reported at 160 Ohio St.3d 1404, 2020-Ohio-4458, 153 N.E.3d 99. On motion for reconsideration. Motion denied.

2020-0902. Patterson v. Eppinger.

In Habeas Corpus. Reported at 159 Ohio St.3d 1518, 2020-Ohio-4388, 152 N.E.3d 318. On motion for reconsideration. Motion denied. Relator's motion requesting finding of facts and conclusions of law denied.

DISCIPLINARY MATTERS

2020-1195. Disciplinary Counsel v. Doute.

On Certified Report by the Board of Professional Conduct, No. 2020-019. Jerome Riley Doute, Attorney Registration No. 0039989, last known business address in Lima, Ohio, suspended for six months, fully stayed on condition.

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