

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 11, 2021

[Cite as *05/11/2021 Case Announcements*, 2021-Ohio-1606.]

MERIT DECISIONS WITHOUT OPINIONS

2021-0377. *Wisnabarger v. Forsthofel*.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2016-1882. *State v. Graham*.

Portage C.P. No. 2016 CR 107 E. On application for reopening under S.Ct.Prac.R. 11.06. Motion denied.

Brunner, J., would apply an ineffective-assistance analysis because defense counsel gave consent for private voir dire; *see State v. Drummond*, 111 Ohio St.3d 14, 2006-Ohio-5084, 854 N.E.2d 1038, ¶ 59 (counsel's failure to object constitutes waiver).

Donnelly, J., dissents.

2017-0938. *State v. Froman*.

Warren C.P. No. 14CR30398. On application for reopening under S.Ct.Prac.R. 11.06. Motion denied.

Brunner, J., dissents.

2021-0320. State v. Valois-Perez.

Sandusky App. Nos. S-19-005 and S-19-023, 2020-Ohio-3755. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

2021-0334. State v. James.

Lucas App. No. L-12-1284, 2014-Ohio-2689. On motion for leave to file delayed appeal. Motion denied.

2021-0339. State v. Barnes.

Ross App. No. 19CA3687, 2020-Ohio-3943. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

APPEALS ACCEPTED FOR REVIEW

2021-0107. Jones v. Durrani.

Hamilton App. No. C-180642, 2020-Ohio-5607. Appeal and cross-appeal accepted. Court of appeals' judgment reversed on the authority of *Wilson v. Durrani*, __ Ohio St.3d __, 2020-Ohio-6827, __ N.E.3d __, and cause remanded to the court of appeals for consideration of the remaining issues.

O'Connor, C.J., and Klatt and Brunner, JJ., would not accept the cross-appeal.

Donnelly, J., would not accept the appeal and would not reverse the court of appeals' judgment and remand the cause.

Stewart, J., would not reverse the court of appeals' judgment and remand the cause.

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for Fischer, J.

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

2021-0241. Walling v. Brenya.

Lucas App. No. L-19-1264, 2021-Ohio-209.

Kennedy and Fischer, JJ., dissent.

2021-0266. State v. Moore.

Erie App. No. E-18-064, 2020-Ohio-6781. Appeal accepted on proposition of law No. I.

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

Donnelly, Stewart, and Brunner, JJ., dissent.

2021-0271. State v. Lamb.

Lucas App. No. L-19-1177, 2021-Ohio-87. Appeal accepted on proposition of law No. IV. Sua sponte, cause held for the decisions in 2020-0549, *State v. Jarvis*, and 2020-0544 and 2020-0625, *State v. Hubbard*. Appellant's motion to strike State of Ohio's first counterproposition of law denied.

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

Donnelly, J., would accept the appeal on all propositions of law and would grant the motion.

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

Brunner, J., would also accept the appeal on proposition of law Nos. I and II.

Fischer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2020-1537. State v. Swartz.

Miami App. No. 2019-CA-17, 2020-Ohio-5037.

2021-0144. State v. Jennings.

Clark App. No. 2019-CA-84, 2020-Ohio-4766.

2021-0192. Musial Offices Ltd. v. Cuyahoga Cty.

Cuyahoga App. No. 108478, 2020-Ohio-5426.

Kennedy and Stewart, JJ., dissent.

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

2021-0233. Gertson v. Parma VTA, L.L.C.

Cuyahoga App. No. 108823, 2020-Ohio-3455.

Kennedy, J., dissents.

2021-0240. State v. Snowden.

Montgomery App. No. 28608, 2020-Ohio-5412.

2021-0249. Garrett Well, L.L.C. v. Frick-Gallagher Mfg. Co.

Jackson App. No. 19CA0012.

Stewart and Brunner, JJ., dissent.

2021-0250. State v. Ross.

Montgomery App. No. 28603, 2020-Ohio-6958.

2021-0254. State v. Knight.

Summit App. No. 29057, 2020-Ohio-6709.

2021-0257. State v. Abouelhana.

Lorain App. No. 19CA011509, 2021-Ohio-91.

Kennedy and DeWine, JJ., dissent.

2021-0258. Kim v. Randal Lowry & Assocs.

Summit App. No. 29680, 2021-Ohio-51.

Kennedy, J., dissents.

2021-0261. State v. Kerens.

Fairfield App. No. 2020 CA 00011, 2021-Ohio-127.

2021-0262. Solomon Cultivation Corp. v. Ohio Dept. of Commerce.

Franklin App. No. 20AP-175, 2021-Ohio-46.

2021-0263. State v. Midlam.

Highland App. No. 12CA2, 2012-Ohio-6299.

2021-0269. Columbus v. C.G.

Franklin App. No. 19AP-121, 2021-Ohio-71.

Brunner, J., dissents.

2021-0270. State v. Jones.

Butler App. No. CA2019-01-006, 2020-Ohio-2672.

2021-0277. State v. Roberts.

Richland App. No. 2020-CA-35.

2021-0289. State v. Berila.

Medina App. No. 19CA0007-M, 2020-Ohio-3523.

2021-0293. State v. Smith.

Trumbull App. No. 2008-T-0023, 2008-Ohio-6998.

2021-0300. Hess v. Ugorec.

Summit App. No. 29468, 2021-Ohio-189.

O'Connor, C.J., dissents.

2021-0314. State v. Shreve.

Stark App. No. 2020-CA-00146, 2021-Ohio-351.

2021-0316. State v. McGail.

Miami App. No. 2020-CA-3, 2021-Ohio-231.

Donnelly, J., dissents.

2021-0321. State v. Zuniga.

Richland App. No. 2020 CA 0016, 2021-Ohio-196.

Kennedy, J., dissents.

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

2021-0323. In re Adoption of C.B.B.G.

Lawrence App. Nos. 19CA25 and 19CA26, 2021-Ohio-331.

2021-0324. State v. Nichols.

Richland App. No. 2020 CA 0027, 2020-Ohio-6960.

2021-0330. State v. Branco.

Stark App. No. 2020CA00153, 2021-Ohio-385.

2021-0332. In re C.C.

Richland App. No. 2020 CA 0050, 2020-Ohio-6896.

2021-0343. State v. Kratochvill.

Lake App. No. 2019-L-088, 2020-Ohio-7000.

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

2021-0355. State v. Bowers.

Franklin App. No. 19AP-759, 2021-Ohio-179.

2021-0366. State v. Bunce.

Lucas App. No. L-20-1160.

RECONSIDERATION OF PRIOR DECISIONS

2020-1536. S. Euclid v. Silver.

Cuyahoga App. No. 109234, 2020-Ohio-5185. Reported at 161 Ohio St.3d 1451, 2021-Ohio-534, 163 N.E.3d 583. On motion for reconsideration. Motion denied.

2021-0031. State ex rel. Washington v. Turner.

In Habeas Corpus. Reported at 161 Ohio St.3d 1449, 2021-Ohio-534, 163 N.E.3d 594. On amended motion for reconsideration. Motion denied.

Fischer, J., not participating.

2021-0081. State v. Cultrona.

Tuscarawas App. No. 2019 AP 06 0019, 2020-Ohio-3250. Reported at 161 Ohio St.3d 1470, 2021-Ohio-678, 164 N.E.3d 469. On motion for reconsideration. Motion granted. The case shall proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

Kennedy and DeWine, JJ., dissent.