

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 16, 2021

[Cite as *02/16/2021 Case Announcements, 2021-Ohio-375.*]

MERIT DECISIONS WITHOUT OPINIONS

2020-1535. Hamilton Cty. Court of Common Pleas v. Cunningham.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-1549. Cochran v. Gray.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2020-1585. Horner v. Gray.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2021-0009. White v. Robinson.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2021-0012. Smith v. Gray.

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

2020-1537. State v. Swartz.

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

2020-1557. State v. Davis.

Cuyahoga App. No. 107925, 2020-Ohio-3028. On motion for leave to file delayed appeal. Motion denied.

2020-1562. State v. Najar.

Cuyahoga App. No. 106802, 2018-Ohio-5348. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2020-1429. State v. Nicholas.

Champaign App. No. 2018-CA-25, 2020-Ohio-3478.

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

APPEALS NOT ACCEPTED FOR REVIEW

2020-1182. State v. Smith.

Cuyahoga App. No. 108727, 2020-Ohio-3717.

2020-1234. State v. Mathias.

Fairfield App. No. 2019 CA 00052.

Donnelly, J., dissents and would appoint counsel.

2020-1239. State v. Lampley.

Richland App. No. 2020CA0024.

2020-1348. State v. Pate.

Lake App. No. 2020-L-012, 2020-Ohio-4190.

2020-1368. State v. Allen.

Lucas App. No. L-18-1191, 2020-Ohio-4493.

2020-1437. Cincinnati v. Harrison.

Hamilton App. No. C-200329.

Brunner, J., dissents.

Fischer and DeWine, JJ., not participating.

2020-1442. State v. Schentur.

Cuyahoga App. No. 108448, 2020-Ohio-1603.

Stewart and Brunner, JJ., dissent and would accept the appeal on proposition of law No. I.

2020-1444. State v. Bechtel.

Lake App. Nos. 2019-L-145 through 2019-L-152, 2020-Ohio-4889.

Kennedy, J., dissents.

2020-1451. State ex rel. Henderson v. New Richmond.

Clermont App. No. 2019CA-11-089.

2020-1452. State v. Farthing.

Fairfield App. No. 2019 CA 00049, 2020-Ohio-4936.

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

2020-1456. Aceste v. Stryker Corp.

Lucas App. No. L-19-1166, 2020-Ohio-4938.

Kennedy, J., dissents.

2020-1458. Russell v. McDonalds, Inc., No. 3737.

Cuyahoga App. No. 109112, 2020-Ohio-4300.

2020-1459. Sullivan v. Sullivan.

Montgomery App. No. 28848, 2020-Ohio-5036.

2020-1464. State v. Klofta.

Montgomery App. No. 28690, 2020-Ohio-5032.

Brunner, J., dissents.

2020-1468. State v. Butts.

Cuyahoga App. No. 108381, 2020-Ohio-5011.

2020-1471. CHS-Lake Erie, Inc. v. Ohio Dept. of Medicaid.

Franklin App. No. 18AP-897, 2020-Ohio-505.

Brunner, J., not participating.

2020-1473. Torrance v. Rom.

Cuyahoga App. No. 108818, 2020-Ohio-3971.

2020-1480. State v. Woodson.

Cuyahoga App. No. 109901.

2020-1481. Gucciardo v. Springfield Local School Dist. Bd. of Edn.

Lucas App. No. L-19-1276, 2020-Ohio-5038.

2020-1482. State ex rel. Brockler v. O'Malley.

Cuyahoga App. No. 108471, 2020-Ohio-4885.

2020-1483. Beckelhimer v. Durrani.

Hamilton App. No. C-180460.

Stewart, J., dissents.

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

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.

2020-1484. State v. Shutway.

Champaign App. No. 2018-CA-39, 2020-Ohio-5035.

2020-1506. State v. B.J.

Cuyahoga App. No. 109428, 2020-Ohio-5089.

Donnelly and Brunner, JJ., dissent.

2020-1558. State v. Michie.

Franklin App. No. 19AP-435, 2020-Ohio-3152.

2021-0006. State v. Sands.

Lake App. No. 2020-L-072, 2020-Ohio-5472.

2021-0008. In re T.R.

Hamilton App. Nos. C-190168 through C-190172, 2020-Ohio-4445.

O'Connor, C.J., dissents and would accept the appeal on proposition of law Nos. III and IV.

Donnelly, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

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

Guernsey App. No. 19CA000047, 2020-Ohio-3877. Reported at 160 Ohio St.3d 1459, 2020-Ohio-5332, 157 N.E.3d 786. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

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

Guernsey App. No. 19CA000047, 2020-Ohio-3877. Reported at 160 Ohio St.3d 1459, 2020-Ohio-5332, 157 N.E.3d 791. On motion for reconsideration. Motion granted. Cause held for the decision in 2020-0031, *Siltstone Resources, L.L.C. v. Pub. Works Comm.*

Fischer, J., would consolidate the cause with 2020-1092, *Siltstone Servs., L.L.C. v. Guernsey Cty. Community Dev. Corp.*

DISCIPLINARY CASES

2020-1508. Warren Cty. Bar Assn. v. Alexander.

On Certified Report by the Board of Professional Conduct, No. 2020-039. Christopher Mark Alexander, Attorney Registration No. 0073543, last known business address in Mason, Ohio, publicly reprimanded and ordered to complete a minimum of two hours of continuing legal education on the proper use and maintenance of an IOLTA.

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

2020-1510. Disciplinary Counsel v. Bryant.

On Certified Report by the Board of Professional Conduct, No. 2020-035. Matthew Bolling Bryant, Attorney Registration No. 0085991, last known business address in Toledo, Ohio, publicly reprimanded.

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

2020-1511. Columbus Bar Assn. v. Burgess.

On Certified Report by the Board of Professional Conduct, No. 2020-043. Amanda Marie Burgess, Attorney Registration No. 0083643, last known business address in Gahanna, Ohio, publicly reprimanded.

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

2020-1515. Columbus Bar Assn. v. Chambers.

On Certified Report by the Board of Professional Conduct, No. 2020-038. Richard Francis Chambers II, Attorney Registration No. 0081139, last known business address in Columbus, Ohio, suspended for one year, fully stayed on conditions.

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

2020-1517. Disciplinary Counsel v. Spoljaric.

On Certified Report by the Board of Professional Conduct, No. 2020-057. Lawrence Joseph Spoljaric Jr., Attorney Registration No. 0091634, last known business address in Akron, Ohio, suspended for six months, fully stayed on condition.

Kennedy, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer, J., dissent and would reject the consent-to-discipline agreement and would remand the matter to the board.

2020-1518. Warren Cty. Bar Assn. v. Elter.

On Certified Report by the Board of Professional Conduct, No. 2020-036. Nathan James Elter, Attorney Registration No. 0064654, last known business address in Lebanon, Ohio, publicly reprimanded.

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

O'Connor, C.J., dissents and would reject the consent-to-discipline agreement and would remand the matter to the board.