

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 2, 2021

[Cite as *03/02/2021 Case Announcements, 2021-Ohio-534.*]

MERIT DECISIONS WITHOUT OPINIONS

2021-0030. Williams v. State ex rel. Auglaize Cty. Court of Common Pleas.

In Habeas Corpus. Sua sponte, cause dismissed.

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

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

In Habeas Corpus. Sua sponte, cause dismissed.

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

Fischer, J., not participating.

MOTION AND PROCEDURAL RULINGS

2016-1006. State v. Madison.

Cuyahoga C.P. No. CR-13-579539-A. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

Fischer, J., dissents and would grant the application as to proposition of law No. I.

2021-0034. State v. Taylor.

Richland App. No. 2019 CA 0117, 2020-Ohio-5097. 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.

2021-0038. State v. Goodwin.

Montgomery App. No. 28681, 2020-Ohio-5274. 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

2020-1496. State v. Hacker.

Logan App. No. 8-20-01, 2020-Ohio-5048. Appeal accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Kennedy, J., would accept the appeal on both propositions of law and would not hold the cause.

Brunner, J., would not hold the cause.

2020-1503. State v. Towns.

Williams App. No. WM-19-023, 2020-Ohio-5120. Appeal accepted on proposition of law No. II.

Kennedy and Brunner, JJ., would accept the appeal on all propositions of law. O'Connor, C.J., and Donnelly and Stewart, JJ., dissent.

2020-1505. State v. Brunson.

Cuyahoga App. No. 107683, 2020-Ohio-5078. Appeal accepted on proposition of law Nos. I, III, and IV.

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

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

2020-1561. State v. Thomas.

Lake App. No. 2019-L-085, 2020-Ohio-4635. Appeal accepted on proposition of law No. V. Sua sponte, cause remanded to the court of appeals for application of *State v. Patrick*, __ Ohio St.3d __, 2020-Ohio-6803, __ N.E.3d __.

Donnelly, J., would accept the appeal on all propositions of law and would not remand the cause.

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

Kennedy and DeWine, JJ., dissent.

2021-0001. State v. Cochran.

Licking App. No. 2019 CA 00122, 2020-Ohio-5329. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

O'Connor, C.J., and Fischer, J., would accept the appeal on proposition of law No. II only.

2021-0051. State v. Smith.

Highland App. No. 20CA8, 2020-Ohio-6694.

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

APPEALS NOT ACCEPTED FOR REVIEW

2020-1259. Masjid Omar Ibn Khattab Mosque v. Salim.

Franklin App. No. 19AP-632.

Kennedy, J., dissents.

Brunner, J., not participating.

2020-1347. State v. Hoerig.

Trumbull App. No. 2019-T-0012, 2020-Ohio-1333.

2020-1354. State v. Ropp.

Champaign App. No. 2018-CA-44, 2020-Ohio-824.

Donnelly, J., dissents and would appoint counsel.

2020-1356. State v. Watkins.

Franklin App. No. 20-AP-313, 2020-Ohio-5203.

Brunner, J., dissents.

2020-1366. State v. Smith.

Clermont App. No. CA2019-10-075, 2020-Ohio-4008.

2020-1415. State v. Evick.

Clinton App. No. CA2019-05-010, 2020-Ohio-3072.

2020-1431. State v. Harris.

Cuyahoga App. No. 108624, 2020-Ohio-4461.

Brunner, J., dissents.

2020-1443. State v. Taylor.

Franklin App. No. 19AP-795, 2020-Ohio-4581.

Donnelly, J., dissents and would appoint counsel.

Brunner, J., not participating.

2020-1476. State v. Short.

Montgomery App. No. 28696, 2020-Ohio-5034.

2020-1486. State v. Howard.

Hamilton App. Nos. C-190451 and C-190452, 2020-Ohio-5072.

Brunner, J., dissents.

DeWine, J., not participating.

2020-1491. State v. Harwell.

Montgomery App. No. 28697, 2020-Ohio-4845.

2020-1493. State v. Ward.

Warren App. No. CA2019-12-131, 2020-Ohio-5054.

2020-1494. State v. Tyson.

Allen App. No. 1-19-72, 2020-Ohio-5049.

Donnelly, J., dissents.

2020-1502. State v. Hughes.

Butler App. No. CA2020-02-026, 2020-Ohio-4264.

2020-1507. State v. Kennedy.

Morgan App. No. 19AP0005, 2020-Ohio-1128.

2020-1509. Firor v. Lydon.

Hamilton App. No. C-170137, 2018-Ohio-1662.

2020-1516. State v. Taylor.

Cuyahoga App. No. 108322, 2020-Ohio-5079.

Kennedy, J., dissents.

2020-1529. State v. Tunstall.

Butler App. No. CA2019-06-090, 2020-Ohio-5124.

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

2020-1530. State v. Atahiya.

Cuyahoga App. No. 110026.

2020-1532. Neal v. 4030 W. Broad, Inc.

Franklin App. No. 19AP-667, 2020-Ohio-1348.

2020-1534. Latz v. Latz.

Geauga App. No. 2020-G-0241, 2020-Ohio-5139.

Brunner, J., dissents.

2020-1536. S. Euclid v. Silver.

Cuyahoga App. No. 109234, 2020-Ohio-5185. Appellant's motion for stay denied.

2020-1539. Miller v. Mission Essential Personnel, L.L.C.

Franklin App. No. 20AP-446.

Brunner, J., dissents.

2020-1540. State v. Reeder.

Allen App. No. 1-20-38.

Donnelly, J., dissents and would appoint counsel.

2020-1541. State v. Reeder.

Allen App. No. 1-20-39.

Donnelly, J., dissents and would appoint counsel.

2020-1543. State v. Reeder.

Allen App. No. 1-20-40.

Donnelly, J., dissents and would appoint counsel.

2020-1548. Tye v. Beausay.

Montgomery App. No. 28383, 2020-Ohio-3746.

2020-1552. State v. Carpenter.

Monroe App. No. 19 MO 0010, 2020-Ohio-5295.

Brunner, J., dissents.

2020-1555. Biser v. Ohio Dept. of Health.

Mahoning App. No. 19 MA 0123, 2020-Ohio-6836.

Fischer, J., dissents and would hold the cause for the decision in 2020-0182, *Electronic Classroom of Tomorrow v. Ohio State Bd. of Edn.*

Donnelly and Brunner, JJ., dissent.

2020-1556. State v. Thompson.

Cuyahoga App. No. 109110, 2020-Ohio-5257.

2020-1563. Par v. GEICO Gen. Ins. Co.

Hamilton App. No. C-200032, 2020-Ohio-5247.

Brunner, J., dissents and would submit certified question(s) to the Kentucky Supreme Court for clarification and resolution.

2020-1564. Sabath v. Sabath.

Lake App. Nos. 2019-L-154 and 2020-L-009.

2020-1576. State v. Stewart.

Franklin App. No. 19AP-615, 2020-Ohio-5344.

2020-1591. State v. Fox.

Lorain App. No. 19CA011591, 2020-Ohio-5375.

2021-0010. Rose v. Whitney.

Montgomery App. No. 28792, 2020-Ohio-5358.

2021-0011. Harris v. Ohio Adult Parole Auth.

Franklin App. No. 20AP-237, 2020-Ohio-5524.

2021-0020. State v. Workman.

Auglaize App. No. 2-20-13.

2021-0023. State v. Welch.

Franklin App. No. 19AP-753, 2020-Ohio-5447.

Donnelly, J., dissents and would appoint counsel.

Brunner, J., not participating.

2021-0033. In re A.P.

Hamilton App. No. C-190551, 2020-Ohio-5423.

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

RECONSIDERATION OF PRIOR DECISIONS

2019-1560. Wilson v. Durrani.

Hamilton App. Nos. C-180194 and C-180196, 2019-Ohio-3880. Reported at __ Ohio St.3d __, 2020-Ohio-6827, __ N.E.3d __. On motion for reconsideration. Motion granted in part. Cause remanded to the court of appeals solely to consider whether the repose period was tolled under R.C. 2305.15(A). Request of amicus curiae Kathleen McCarthy that decision be applied prospectively only denied.

Donnelly, Stewart, and Brunner, JJ., would grant the motion in full.

O'Connor, C.J., and Klatt, J., dissent and would deny the motion for reconsideration.

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.

2020-0206. Scott v. Durrani.

Hamilton App. No. C-180641, 2019-Ohio-5351. Reported at __ Ohio St.3d __, 2020-Ohio-6932, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

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.

2020-1063. Carr v. Durrani.

Hamilton App. No. C-180458, 2020-Ohio-3787. Reported at __ Ohio St.3d __, 2020-Ohio-6943, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

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.

2020-1064. Schuster v. Durrani.

Hamilton App. No. C-180687, 2020-Ohio-3789. Reported at __ Ohio St.3d __, 2020-Ohio-6944, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

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.

2020-1065. Deck v. Durrani.

Hamilton App. No. C-180685, 2020-Ohio-3790. Reported at __ Ohio St.3d __, 2020-Ohio-6945, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

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.

2020-1170. State ex rel. Townsend v. Kilbane.

In Procedendo. Reported at 160 Ohio St.3d 1513, 2020-Ohio-6834, 159 N.E.3d 1183. On motion for reconsideration. Motion denied.

2020-1226. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

Portage App. No. 2019-P-0102, 2020-Ohio-3932. Reported at 160 Ohio St.3d 1508, 2020-Ohio-6835, 159 N.E.3d 1160. On motion for reconsideration. Motion denied.

2020-1228. State v. Hrytsyak.

Cuyahoga App. No. 108506, 2020-Ohio-920. Reported at 160 Ohio St.3d 1508, 2020-Ohio-6835, 159 N.E.3d 1160. On motion for reconsideration. Motion denied.

2020-1235. State ex rel. Ames v. Rootstown Twp. Bd. of Trustees.

Portage App. Nos. 2019-P-0114 and 2020-P-0001, 2020-Ohio-3855. Reported at 160 Ohio St.3d 1508, 2020-Ohio-6835, 159 N.E.3d 1155. On motion for reconsideration. Motion denied.

2020-1238. State v. Moore.

Lawrence App. No. 19CA13, 2020-Ohio-4321. Reported at 160 Ohio St.3d 1508, 2020-Ohio-6835, 159 N.E.3d 1156. On motion for reconsideration. Motion denied.

2020-1333. State v. McDaniel.

Cuyahoga App. No. 109611, 2020-Ohio-4755. Reported at 160 Ohio St.3d 1510, 2020-Ohio-6835, 159 N.E.3d 1173. On motion for reconsideration. Motion denied.