

IN RE CASES HELD FOR *STATE v. HACKER* AND *STATE v. SIMMONS*.

[Cite as *In re Cases Held for State v. Hacker and State v. Simmons*, 174 Ohio St.3d 92, 2023-Ohio-3863.]

Disposition of cases held for State v. Hacker and State v. Simmons.

(Submitted September 26, 2023—Decided October 26, 2023.)

{¶ 1} The judgments of the courts of appeals in the following cases are affirmed on the authority of *State v. Hacker*, 173 Ohio St.3d 219, 2023-Ohio-2535, 229 N.E.3d 38:

- 2021-0591. *State v. Sinkhorn*, 2d Dist. Clark No. 2019-CA-79, 2020-Ohio-5359.
- 2021-0996. *State v. Rodriguez*, 3d Dist. Seneca No. 13-20-07, 2021-Ohio-2295.
- 2022-0328. *State v. Whetsone*, 8th Dist. Cuyahoga No. 109671, 2022-Ohio-800.
- 2022-0335. *State v. Delvallie*, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.).
- 2022-0341. *State v. Green*, 8th Dist. Cuyahoga No. 110105, 2022-Ohio-682.
- 2022-0393. *State v. McCalpine*, 8th Dist. Cuyahoga No. 110665, 2022-Ohio-842.
- 2022-0394. *State v. Hardy*, 8th Dist. Cuyahoga No. 110230, 2022-Ohio-686.
- 2022-0395. *State v. Winkler*, 8th Dist. Cuyahoga No. 109420, 2022-Ohio-702.

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- 2022-0400. *State v. Campbell*, 8th Dist. Cuyahoga No. 109822, 2022-Ohio-621.
- 2022-0414. *State v. Gamble*, 2021-Ohio-1810, 173 N.E.3d 132 (8th Dist.).
- 2022-0415. *State v. Sealey*, 8th Dist. Cuyahoga No. 109670, 2022-Ohio-1166.
- 2022-0429. *State v. Jenkins*, 8th Dist. Cuyahoga No. 109701, 2022-Ohio-705.
- 2022-0433. *State v. Hardin-Rogers*, 8th Dist. Cuyahoga No. 109679, 2022-Ohio-802.
- 2022-0434. *State v. Coleman*, 8th Dist. Cuyahoga No. 110096, 2022-Ohio-809.
- 2022-0435. *State v. Reed*, 8th Dist. Cuyahoga No. 110217, 2022-Ohio-1058.
- 2022-0451. *State v. Gopar*, 8th Dist. Cuyahoga No. 110648, 2022-Ohio-695.
- 2022-0452. *State v. Hines*, 8th Dist. Cuyahoga No. 110159, 2022-Ohio-684.
- 2022-0453. *State v. Davidson*, 8th Dist. Cuyahoga No. 110625, 2022-Ohio-694.
- 2022-0454. *State v. Polk*, 8th Dist. Cuyahoga No. 109826, 2022-Ohio-706.
- 2022-0455. *State v. Anderson*, 8th Dist. Cuyahoga No. 110337, 2022-Ohio-689.
- 2022-0467. *State v. Gilmer*, 8th Dist. Cuyahoga No. 110649, 2022-Ohio-821.
- 2022-0468. *State v. Taylor*, 8th Dist. Cuyahoga No. 110286, 2022-Ohio-811.

- 2022-0469. *State v. Drewery*, 8th Dist. Cuyahoga No. 109587, 2022-Ohio-838.
- 2022-0470. *State v. Aldridge*, 8th Dist. Cuyahoga No. 110801, 2022-Ohio-828.
- 2022-0471. *State v. McCarver*, 8th Dist. Cuyahoga No. 110327, 2022-Ohio-813.
- 2022-0477. *State v. Whittenburg*, 8th Dist. Cuyahoga No. 109700, 2022-Ohio-803.
- 2022-0480. *State v. Sitgraves*, 8th Dist. Cuyahoga No. 110566, 2022-Ohio-819.
- 2022-0484. *State v. Debose*, 8th Dist. Cuyahoga No. 109531, 2022-Ohio-837.
- 2022-0486. *State v. Corrigan*, 8th Dist. Cuyahoga No. 110484, 2022-Ohio-816.
- 2022-0489. *State v. Young*, 8th Dist. Cuyahoga No. 109639, 2022-Ohio-799.
- 2022-0490. *State v. Patterson*, 8th Dist. Cuyahoga No. 109529, 2022-Ohio-836.
- 2022-0491. *State v. Jackson*, 8th Dist. Cuyahoga No. 110005, 2022-Ohio-807.
- 2022-0492. *State v. Cambria*, 8th Dist. Cuyahoga No. 110823, 2022-Ohio-830.
- 2022-0494. *State v. Cambria*, 8th Dist. Cuyahoga No. 110831, 2022-Ohio-831.
- 2022-0495. *State v. Wurtz*, 8th Dist. Cuyahoga No. 110138, 2022-Ohio-810.
- 2022-0496. *State v. Reed*, 8th Dist. Cuyahoga No. 110532, 2022-Ohio-818.

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- 2022-0498. *State v. Tolliver*, 8th Dist. Cuyahoga No. 110739, 2022-Ohio-826.
- 2022-0499. *State v. Gillespie*, 8th Dist. Cuyahoga No. 109970, 2022-Ohio-805.
- 2022-0500. *State v. Houchens*, 8th Dist. Cuyahoga No. 110004, 2022-Ohio-806.
- 2022-0501. *State v. Sender*, 8th Dist. Cuyahoga No. 110052, 2022-Ohio-808.
- 2022-0503. *State v. Bell*, 8th Dist. Cuyahoga No. 110693, 2022-Ohio-823.
- 2022-0516. *State v. McGlothin*, 8th Dist. Cuyahoga No. 109908, 2022-Ohio-940.
- 2022-0517. *State v. Mitchell*, 8th Dist. Cuyahoga No. 110702, 2022-Ohio-935.
- 2022-0520. *State v. Ransom*, 8th Dist. Cuyahoga No. 110271, 2022-Ohio-1060.
- 2022-0522. *State v. Bradley*, 8th Dist. Cuyahoga No. 110882, 2022-Ohio-1075.
- 2022-0524. *State v. Walker*, 8th Dist. Cuyahoga No. 110839, 2022-Ohio-1404.
- 2022-0537. *State v. Primm*, 8th Dist. Cuyahoga Nos. 110479 and 110480, 2022-Ohio-945.
- 2022-0539. *State v. Perry*, 8th Dist. Cuyahoga No. 110414, 2022-Ohio-944.
- 2022-0540. *State v. Mitchell*, 8th Dist. Cuyahoga No. 110582, 2022-Ohio-1063.
- 2022-0542. *State v. Durand*, 8th Dist. Cuyahoga No. 110232, 2022-Ohio-1059.

- 2022-0544. *State v. Harris*, 8th Dist. Cuyahoga No. 110635, 2022-Ohio-933.
- 2022-0549. *State v. Dudas*, 8th Dist. Cuyahoga No. 110573, 2022-Ohio-931.
- 2022-0551. *State v. Holsey*, 8th Dist. Cuyahoga Nos. 110109 and 110244, 2022-Ohio-941.
- 2022-0553. *State v. Daniel*, 8th Dist. Cuyahoga No. 110644, 2022-Ohio-934.
- 2022-0577. *State v. Davis*, 8th Dist. Cuyahoga No. 109359, 2022-Ohio-1056.
- 2022-0588. *State v. Sanders*, 8th Dist. Cuyahoga No. 110653, 2022-Ohio-1066.
- 2022-0590. *State v. Hunter*, 8th Dist. Cuyahoga No. 110738, 2022-Ohio-1072.
- 2022-0613. *State v. Parker*, 8th Dist. Cuyahoga No. 109494, 2022-Ohio-1164.
- 2022-0621. *State v. Byrd*, 8th Dist. Cuyahoga No. 110451, 2022-Ohio-1168.
- 2022-0622. *State v. Daniel*, 8th Dist. Cuyahoga No. 109583, 2022-Ohio-1165.
- 2022-0623. *State v. Cloud*, 8th Dist. Cuyahoga No. 110774, 2022-Ohio-1174.
- 2022-0647. *State v. D.S.*, 8th Dist. Cuyahoga No. 110134, 2022-Ohio-1229.
- 2022-0648. *State v. Thomas*, 8th Dist. Cuyahoga No. 110800, 2022-Ohio-1241.

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- 2022-0649. *State v. Watkins*, 8th Dist. Cuyahoga No. 110355, 2022-Ohio-1231.
- 2022-0650. *State v. Turner*, 8th Dist. Cuyahoga No. 110797, 2022-Ohio-1240.
- 2022-0651. *State v. Riemer*, 8th Dist. Cuyahoga No. 110308, 2022-Ohio-1230.
- 2022-0665. *State v. Toney*, 8th Dist. Cuyahoga No. 110790, 2022-Ohio-1319.
- 2022-0676. *State v. Vince*, 8th Dist. Cuyahoga No. 110798, 2022-Ohio-1320.
- 2022-0681. *State v. Ratliff*, 2022-Ohio-1372, 190 N.E.3d 684 (5th Dist.).
- 2022-0682. *State v. Butts*, 8th Dist. Cuyahoga No. 110819, 2022-Ohio-1322.
- 2022-0725. *State v. Burris*, 5th Dist. Guernsey No. 21CA000021, 2022-Ohio-1481.
- 2022-0742. *State v. Brown*, 8th Dist. Cuyahoga No. 110905, 2022-Ohio-1676.
- 2022-0758. *State v. Boyd*, 8th Dist. Cuyahoga No. 110809, 2022-Ohio-1588.
- 2022-0768. *State v. Bond*, 8th Dist. Cuyahoga No. 110022, 2022-Ohio-1487.
- 2022-0769. *State v. Philpot*, 8th Dist. Cuyahoga No. 110828, 2022-Ohio-1499.
- 2022-0804. *State v. Smith*, 8th Dist. Cuyahoga No. 110677, 2022-Ohio-1667.
- 2022-0815. *State v. Scott*, 8th Dist. Cuyahoga No. 110691, 2022-Ohio-1669.

- 2022-0820. *State v. Alexander*, 2022-Ohio-1812, 190 N.E.3d 651 (4th Dist.).
- 2022-0856. *State v. Hope*, 2022-Ohio-1753, 191 N.E.3d 1169 (8th Dist.).
- 2022-0858. *State v. Clausing*, 8th Dist. Cuyahoga No. 110776, 2022-Ohio-1762.
- 2022-0869. *State v. Doughty*, 5th Dist. Perry No. 2020 CA 00001, 2022-Ohio-1854.
- 2022-0873. *State v. McNary*, 8th Dist. Cuyahoga No. 110924, 2022-Ohio-1842.
- 2022-0887. *State v. Davis*, 3d Dist. Auglaize No. 2-21-10, 2022-Ohio-1900.
- 2022-0935. *State v. Nicholson*, 8th Dist. Cuyahoga No. 110595, 2022-Ohio-2037.
- 2022-0967. *State v. Johnson*, 8th Dist. Cuyahoga No. 110904, 2022-Ohio-2136.
- 2022-0971. *State v. Colon*, 8th Dist. Cuyahoga No. 110931, 2022-Ohio-2137.
- 2022-0981. *State v. Jones*, 8th Dist. Cuyahoga No. 110840, 2022-Ohio-2270.
- 2022-0990. *State v. Heard*, 8th Dist. Cuyahoga No. 110722, 2022-Ohio-2266.
- 2022-1013. *State v. Sharp*, 8th Dist. Cuyahoga No. 110944, 2022-Ohio-2274.
- 2022-1014. *State v. Darden*, 8th Dist. Cuyahoga No. 111065, 2022-Ohio-2276.
- 2022-1021. *State v. Bolden*, 8th Dist. Cuyahoga No. 110841, 2022-Ohio-2271.

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- 2022-1024. *State v. Beatty*, 5th Dist. Muskingum No. CT2020-0015, 2022-Ohio-2394.
- 2022-1065. *State v. Thompson*, 8th Dist. Cuyahoga No. 111059, 2022-Ohio-2413.
- 2022-1096. *State v. Fields*, 8th Dist. Cuyahoga No. 111066, 2022-Ohio-2499.
- 2022-1122. *State v. Kimes*, 5th Dist. Delaware No. 21 CAA 10 0055, 2022-Ohio-2759.
- 2022-1137. *State v. Clark*, 5th Dist. Fairfield No. 2021 CA 00025, 2022-Ohio-2693.
- 2022-1139. *State v. Torres*, 8th Dist. Cuyahoga No. 111047, 2022-Ohio-2678.
- 2022-1144. *State v. Waters*, 8th Dist. Cuyahoga No. 110821, 2022-Ohio-2667.
- 2022-1158. *State v. Gettings*, 8th Dist. Cuyahoga No. 111176, 2022-Ohio-2691.
- 2022-1159. *State v. Shepard*, 8th Dist. Cuyahoga No. 111162, 2022-Ohio-2776.
- 2022-1162. *State v. Brown*, 8th Dist. Cuyahoga No. 111148, 2022-Ohio-2686.
- 2022-1167. *State v. Crawford*, 8th Dist. Cuyahoga No. 110986, 2022-Ohio-2673.
- 2022-1200. *State v. R.W.*, 8th Dist. Cuyahoga No. 110858, 2022-Ohio-2771.
- 2022-1231. *State v. Carano*, 8th Dist. Cuyahoga No. 111248, 2022-Ohio-2872.

- 2022-1266. *State v. Dowdell*, 8th Dist. Cuyahoga No. 111026, 2022-Ohio-2956.
- 2022-1283. *State v. Pugh*, 8th Dist. Cuyahoga No. 111099, 2022-Ohio-3038.
- 2022-1287. *State v. Llapur*, 8th Dist. Cuyahoga No. 111246, 2022-Ohio-3134.
- 2022-1293. *State v. Harper*, 8th Dist. Cuyahoga No. 111193, 2022-Ohio-3329.
- 2022-1326. *State v. Long*, 4th Dist. Pickaway No. 20CA9, 2022-Ohio-3212.
- 2022-1365. *State v. Knox*, 8th Dist. Cuyahoga No. 111262, 2022-Ohio-3331.
- 2022-1366. *State v. Reffitt*, 11th Dist. Lake No. 2021-L-129, 2022-Ohio-3371.
- 2022-1380. *State v. Thomason*, 3d Dist. Allen No. 1-22-33, 2022-Ohio-3873.
- 2022-1393. *State v. Joyce*, 2022-Ohio-3370, 197 N.E.3d 612 (11th Dist.).
- 2022-1399. *State v. Washington*, 2d Dist. Miami No. 2020-CA-18, 2022-Ohio-1426.
- 2022-1429. *State v. Brown*, 3d Dist. Allen No. 1-22-36, 2022-Ohio-4065.
- 2022-1430. *State v. Day*, 3d Dist. Allen No. 1-22-32, 2022-Ohio-4064.
- 2022-1445. *State v. Allen*, 3d Dist. Allen No. 1-21-59, 2022-Ohio-3599.
- 2022-1455. *State v. Bryant*, 2022-Ohio-3669, 199 N.E.3d 919 (8th Dist.).
- 2022-1456. *State v. Eggleton*, 8th Dist. Cuyahoga No. 111244, 2022-Ohio-3671.
- 2022-1459. *State v. Morris*, 2022-Ohio-3608, 198 N.E.3d 1024 (3d Dist.).

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- 2022-1472. *State v. Wells*, 4th Dist. Washington No. 21CA16, 2022-Ohio-3793.
- 2022-1508. *State v. Stevens*, 11th Dist. Lake No. 2021-L-105, 2022-Ohio-3781.
- 2022-1550. *State v. Woods*, 11th Dist. Lake No. 2021-L-044, 2022-Ohio-3970.
- 2022-1597. *State v. Collins*, 11th Dist. Lake No. 2021-L-109, 2022-Ohio-3971.
- 2023-0020. *State v. Thornton*, 8th Dist. Cuyahoga No. 111347, 2022-Ohio-4203.
- 2023-0029. *State v. Sharp*, 8th Dist. Cuyahoga Nos. 111359 and 111360, 2022-Ohio-4204.
- 2023-0031. *State v. Bradford*, 6th Dist. Lucas No. L-21-1262, 2022 Ohio App. LEXIS 4073 (Dec. 2, 2022).
- 2023-0032. *State v. Stearns*, 11th Dist. Lake No. 2021-L-091, 2022-Ohio-4245.
- 2023-0033. *State v. Allen*, 11th Dist. Lake No. 2021-L-060, 2022-Ohio-4243.
- 2023-0074. *State v. Milton*, 8th Dist. Cuyahoga No. 111460, 2022-Ohio-4393.
- 2023-0094. *State v. Terry*, 8th Dist. Cuyahoga No. 111420, 2022-Ohio-4392.
- 2023-0127. *State v. Glaze*, 2d Dist. Montgomery No. 29431, 2022-Ohio-4549.
- 2023-0128. *State v. Lovelace*, 8th Dist. Cuyahoga No. 111510, 2022-Ohio-4514.

- 2023-0129. *State v. Rodgers*, 8th Dist. Cuyahoga No. 111563, 2022-Ohio-4516.
- 2023-0272. *State v. Rogers*, 6th Dist. Erie Nos. E-21-027 and E-21-031, 2022-Ohio-4126.
- 2023-0277. *State v. Graves*, 8th Dist. Cuyahoga No. 111348, 2023-Ohio-84.
- 2023-0278. *State v. White*, 8th Dist. Cuyahoga No. 111442, 2023-Ohio-73.
- 2023-0281. *State v. Howard*, 8th Dist. Cuyahoga No. 111496, 2023-Ohio-74.
- 2023-0322. *State v. Roberts*, 2023-Ohio-142, 206 N.E.3d 144, (6th Dist.).
- 2023-0377. *State v. Murray*, 8th Dist. Cuyahoga No. 111546, 2023-Ohio-310.
- 2023-0380. *State v. Jordan*, 8th Dist. Cuyahoga No. 111547, 2023-Ohio-311.
- 2023-0392. *State v. Thomas*, 2023-Ohio-302, 208 N.E.3d 125 (8th Dist.).
- 2023-0434. *State v. Allen*, 8th Dist. Cuyahoga No. 111576, 2023-Ohio-527.
- 2023-0457. *State v. Dotson*, 8th Dist. Cuyahoga No. 111719, 2023-Ohio-533.
- 2023-0460. *State v. Potter*, 8th Dist. Cuyahoga No. 111782, 2023-Ohio-534.
- 2023-0533. *State v. Rice*, 6th Dist. Wood No. WD-22-022, 2023-Ohio-743.
- 2023-0537. *State v. Barker*, 8th Dist. Cuyahoga No. 111597, 2023-Ohio-453.
- 2023-0565. *State v. Dotson*, 8th Dist. Cuyahoga No. 111880, 2023-Ohio-821.
- 2023-0570. *State v. Bell*, 8th Dist. Cuyahoga No. 111899, 2023-Ohio-822.

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- 2023-0604. *State v. Taylor*, 8th Dist. Cuyahoga No. 111694, 2023-Ohio-928.
- 2023-0622. *State v. Riggins*, 8th Dist. Cuyahoga No. 111773, 2023-Ohio-1043.
- 2023-0684. *State v. Freshwater*, 11th Dist. Lake No. 2022-L-071, 2023-Ohio-1248.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ., concur.

{¶ 2} The judgment of the court of appeals in the following case is affirmed on the authority of *State v. Hacker*, 173 Ohio St.3d 219, 2023-Ohio-2535, 229 N.E.3d 38:

- 2022-1437. *State v. Haynes*, 1st Dist. Hamilton No. C-210371, 2022 Ohio App. LEXIS 3634 (Oct. 28, 2022).

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur.

BRUNNER, J., dissents and would dismiss the cause as having been improvidently accepted.

DETERS, J., not participating.

{¶ 3} The following causes are dismissed as having been improvidently accepted:

- 2022-0147. *State v. Patterson*, 11th Dist. Lake No. 2021-L-062, 2021-Ohio-4617.
- 2022-0969. *State v. Giancaterino*, 8th Dist. Cuyahoga No. 110983, 2022-Ohio-2142.

- 2022-1146. *State v. Harrison*, 3d Dist. Logan No. 8-22-05, 2022-Ohio-2537.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ., concur.

{¶ 4} The following causes are dismissed as having been improvidently accepted:

- 2022-1088. *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962.
- 2022-1089. *State v. Mosley*, 1st Dist. Hamilton Nos. C-200268 and C-200269, 2022 Ohio App. LEXIS 2926 (Sept. 2, 2022).
- 2022-1090. *State v. O’Neal*, 1st Dist. Hamilton No. C-190736, 2022-Ohio-3017.
- 2022-1234. *State v. Edwards*, 1st Dist. Hamilton No. C-200101, 2022-Ohio-3408.
- 2022-1250. *State v. Johnson*, 1st Dist. Hamilton No. C-200233, 2022 Ohio App. LEXIS 3322 (Sept. 30, 2022).
- 2022-1383. *State v. Bacon*, 1st Dist. Hamilton No. C-210161, 2022 Ohio App. LEXIS 3763 (Nov. 9, 2022).
- 2022-1600. *State v. Reed*, 1st Dist. Hamilton No. C-200104, 2022-Ohio-3986.

KENNEDY, C.J., and DEWINE, DONNELLY, and BRUNNER, JJ., concur.

FISCHER and STEWART, JJ., dissent and would order briefing on proposition of law Nos. II, III, and IV in 2022-1088, *State v. Guyton*, and hold the other causes for the decision in *Guyton*.

DETERS, J., not participating.

SUPREME COURT OF OHIO

{¶ 5} The following cause is dismissed as having been improvidently accepted:

- 2022-1281. *State v. Fraley*, 12th Dist. Butler No. CA2021-10-131, 2022-Ohio-3270.

KENNEDY, C.J., and FISCHER, DEWINE, and DETERS, JJ., concur.

DONNELLY, STEWART, and BRUNNER, JJ., dissent and would order briefing on proposition of law Nos. II, III, and IV.

{¶ 6} The following causes are dismissed as having been improvidently accepted:

- 2022-1345. *State v. Dixon*, 1st Dist. Hamilton No. C-210502, 2022-Ohio-3654.
- 2023-0235. *State v. Bruce*, 1st Dist. Hamilton No. C-220137, 2022 Ohio App. LEXIS 222 (Jan. 27, 2023).

KENNEDY, C.J., and DEWINE, DONNELLY, STEWART, and BRUNNER, JJ., concur.

FISCHER, J., dissents and would hold the causes for the decision in 2022-1088, *State v. Guyton*.

DETERS, J., not participating.

{¶ 7} The following cause is dismissed as having been improvidently accepted:

- 2022-1500. *State v. Heath*, 1st Dist. Hamilton No. C-200387, 2022 Ohio App. LEXIS 3633 (Oct. 28, 2022).

KENNEDY, C.J., and DEWINE, DONNELLY, and BRUNNER, JJ., concur.

STEWART, J., dissents and would hold the cause for the decision in 2022-1088, *State v. Guyton*.

January Term, 2023

FISCHER and DETERS, JJ., not participating.
