

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

May 28, 2014

[Cite as *05/28/2014 Case Announcements*, 2014-Ohio-2245.]

---

## MERIT DECISIONS WITH OPINIONS

**2013-0096. Cleveland v. McCardle, Slip Opinion No. 2014-Ohio-2140.**

Cuyahoga App. Nos. 98230 and 98231, 2012-Ohio-5749. Judgment reversed.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

Pfeifer, J., dissents.

**2013-1621. Disciplinary Counsel v. Flowers, Slip Opinion No. 2014-Ohio-2123.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2013-031. Janice Marie Flowers, Attorney Registration No. 0074318, is publicly reprimanded.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

## MERIT DECISIONS WITHOUT OPINIONS

**2014-0318. James v. State.**

Clark App. No. 2013-CA-28, 2014-Ohio-140. Upon consideration of the jurisdictional memoranda filed in the case, the court accepts the appeal. The judgment of the court of appeals is reversed and this cause is remanded for application of *Mansaray v. State*, 138 Ohio St.3d 277, 2014-Ohio-0750.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

Pfeifer and O'Neill, JJ., dissent.

**2014-0421. Cashiota v. Cleveland Div. of Parks & Maintenance.**

In Procedendo and Quo Warranto. On complaint in procedendo and quo warranto of Joseph Cashiota. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

**2014-0445. In re Wiles v. Twelfth Dist. Court of Appeals.**

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

**2014-0447. State ex rel. Humberto v. Franklin Cty. Common Pleas Court.**

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

**MOTION AND PROCEDURAL RULINGS**

**2013-1176. State ex rel. Paluch v. Zita.**

Summit App. No. 26849. On motion for oral argument. Motion denied.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

**2013-1694. State ex rel. Cincinnati Enquirer v. Hunter.**

Hamilton App. No. C-130072, 2013-Ohio-4459. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County.

On January 10, 2014, this court issued an order disqualifying the appellant, Tracie M. Hunter, from acting as a judge pursuant to Gov.Jud.R. III(6)(A). Therefore, appellant no longer controls the records that appellee sought when filing its case with the Hamilton County Court of Appeals. Accordingly, it is ordered by the court that the parties shall file briefs addressing whether Judge John M. Williams, as the only active judge of the Hamilton County Juvenile Court, should be substituted for appellant, Tracie M. Hunter.

The parties shall file briefs addressing the issue of substitution within 20 days of the date of this entry, and the parties may file reply briefs within ten days of the filing of the initial briefs. No stipulations or extensions of time are permitted.

It is further ordered that Judge John M. Williams be served by certified mail with a copy of this entry. Within 20 days of receipt of service, Judge John M.

Williams, or his counsel, may file a brief addressing whether he is the appropriate party to be substituted for Tracie M. Hunter in this case.

**2014-0540. State v. Quinn.**

Lucas App. No. L-12-1242, 2014-Ohio-340. On motion for delayed appeal. Motion denied.

Pfeifer, Kennedy, and O’Neill, JJ., dissent.

**2014-0550. State v. Young.**

Hamilton App. No. C-100065. On motion for delayed appeal. Motion denied.

**2014-0562. ProMedica Fed. Credit Union v. Wardrop.**

Lucas App. No. L-13-1075, 2014-Ohio-965. On motion for stay of court of appeals’ judgment. Motion denied.

Pfeifer, J., dissents.

**2014-0563. State v. South.**

Summit App. No. 26967, 2014-Ohio-374. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals’ entry filed March 17, 2014:

“When a defendant is convicted of a R.C. 2941.1413 specification, does Ohio's OVI statute, R.C. 4511.19 prevail so that a five year sentence can be imposed for a third degree felony OVI or does R.C. 2929.14(A) require that the maximum sentence that can be imposed is three years?”

The conflict case is *State v. Sturgill*, 12th Dist. Clermont Nos. CA2013-01-002 and CA2013-01-003, 2013-Ohio-4648.

O’Donnell, J., dissents.

**2014-0573. State v. Brandt.**

Montgomery App. No. 25886. On motion for delayed appeal. Motion denied.

**2014-0575. State v. Jackson.**

Washington App. No. 12CA16, 2013-Ohio-2628. On motion for delayed appeal. Motion denied.

**2014-0579. State v. Brown.**

Mahoning App. No. 11 MA 117, 2013-Ohio-5528. On motion for delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

**2014-0581. State v. Howard.**

Cuyahoga App. No. 99535, 2013-Ohio-5125. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2014-0584. State v. Carman.**

Cuyahoga App. No. 99463, 2013-Ohio-4910. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2014-0585. In re A.C.**

Ashtabula App. No. 2013-A-0024, 2014-Ohio-640. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and O'Donnell and Lanzinger, JJ., dissent.

**2014-0591. State v. Love.**

Marion App. No. 9-13-09, 2014-Ohio-437. On motion for delayed appeal. Motion denied.

Pfeifer, Kennedy, and O'Neill, JJ., dissent.

**2014-0600. State v. Devore.**

Richland App. No. 13CA109. On motion for delayed appeal. Motion denied.

Pfeifer, Kennedy, and O'Neill, JJ., dissent.

**2014-0604. State v. Wilson.**

Ross App. No. 12CA3354, 2014-Ohio-293. On motion for delayed appeal. Motion denied.

Lanzinger and Kennedy, JJ., dissent.

**2014-0620. In re K.C.**

Hamilton App. No. C-130795.

On motion to stay implementation of court of appeals' decision. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2012-0852. State v. Broom.**

Cuyahoga App. No. 96747, 2012-Ohio-587. Discretionary appeal accepted on Proposition of Law Nos. II, III, and IV.

Pfeifer and O’Neill, JJ., would also accept the appeal on Proposition of Law Nos. I and V.

O’Donnell and Lanzinger, JJ., dissent.

**2014-0233. State v. Koeser.**

Portage App. No. 2013-P-0041, 2013-Ohio-5838. Discretionary appeal accepted and cause held for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

**2014-0242. Risner v. Ohio Dept. of Natural Resources, Div. of Wildlife.**

Huron App. No. H-13-009, 2013-Ohio-5902.

O’Connor, C.J., and Lanzinger and French, JJ., dissent.

**2014-0277. In re Z.R.**

Summit App. No. 26860, 2014-Ohio-182. Discretionary appeal accepted.

Pfeifer and O’Donnell, JJ., dissent.

On motion for stay. Motion granted.

Pfeifer, O’Donnell, and French, JJ., dissent.

**2014-0301. Apple Group, Ltd. v. Granger Twp. Bd. of Zoning Appeals.**

Medina App. Nos. 12CA0065-M and 12CA0068-M, 2013-Ohio-4259.

O’Connor, C.J., dissents.

**2014-0363. State v. Blankenship.**

Clark App. No. 2012-CA-74, 2014-Ohio-232.

O’Connor, C.J., and O’Donnell and Kennedy, JJ., dissent.

**2014-0451. Dillon v. Farmers Ins. of Columbus, Inc.**

Coshocton App. No. 2013CA0014, 2014-Ohio-431.

O’Connor, C.J., and Pfeifer and O’Neill, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2013-2010. State v. Gott.**

Lucas App. No. L-11-1070, 2013-Ohio-4624.

**2014-0150. State v. Jackson.**

Summit App. No. 26757, 2013-Ohio-5557. Discretionary appeal and cross-appeal not accepted.

Kennedy, J., dissents and would accept the cross-appeal. .

**2014-0225. Bindra v. Fuenning.**

Summit App. No. 26489, 2013-Ohio-5722.

**2014-0226. In re L.W.**

Cuyahoga App. No. 99527, 2013-Ohio-5735.

Pfeifer, J., dissents.

**2014-0229. Kuhn v. Kuhn.**

Lake App. No. 2012-L-099, 2013-Ohio-5807.

Kennedy, J., dissents and would accept the appeal on Proposition of Law No. II.

**2014-0230. Sommer v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 13AP-412.

O'Donnell, J., dissents.

French, J., not participating.

**2014-0231. Rana v. Rani.**

Franklin App. No. 13AP-546.

**2014-0232. State v. Tayse.**

Summit App. No. 27050, 2013-Ohio-5801.

**2014-0234. Sorensen v. DeFranco.**

Lake App. No. 2013-L-038, 2013-Ohio-5829.

**2014-0243. Grace Fellowship Church, Inc. v. Harned.**

Trumbull App. No. 2013-T-0030, 2013-Ohio-5852.

O'Neill, J., dissents.

**2014-0245. State v. Hodge.**

Trumbull App. No. 2013-T-0037, 2013-Ohio-5879.

**2014-0251. Ibrahim v. Ibrahim.**

Franklin App. No. 13AP-681, 2013-Ohio-5401.

**2014-0257. State v. Wampler.**

Fairfield App. No. 13-CA-3, 2014-Ohio-37.

**2014-0259. Collins v. Interim Healthcare of Columbus, Inc.**

Perry App. No. 13-CA-00003, 2014-Ohio-40.

O'Donnell, J., dissents.

**2014-0260. State v. English.**

Cuyahoga App. No. 99778, 2013-Ohio-5258.

**2014-0267. State v. Fontaine.**

Cuyahoga App. No. 99771, 2013-Ohio-5257.

O'Donnell, J., dissents.

**2014-0269. State v. Quintanilla.**

Franklin App. No. 13AP-388, 2013-Ohio-5711.

Pfeifer, J., dissents.

**2014-0270. Daily Servs., L.L.C. v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 13AP-509, 2013-Ohio-5716.

Pfeifer, J., dissents.

French, J., not participating.

**2014-0276. State v. C.K.**

Cuyahoga App. No. 99886, 2013-Ohio-5135.

O'Donnell, J., dissents.

**2014-0280. State v. Powell.**

Lorain App. No. 12CA010284, 2014-Ohio-63.

**2014-0281. Vaughn v. Paychex Ins. Agency, Inc.**

Hamilton App. No. C-130396, 2014-Ohio-42.

**2014-0284. Fifth Third Mtge. Co. v. Wizzard.**

Butler App. No. CA2013-03-0046, 2014-Ohio-73.

**2014-0285. Thayer v. Diver.**

Lucas App. No. L-12-1145, 2014-Ohio-58. Discretionary appeal not accepted.

Motion to strike the notice of appeal and memorandum in support of jurisdiction denied.

**2014-0298. Sandeep & Payal, Inc. v. Richmond.**

Clermont App. No. CA2013-04-034, 2014-Ohio-76.

Pfeifer and O'Donnell, JJ., dissent.

**2014-0299. State v. Hopper.**

Warren App. No. CA2013-04-039, 2013-Ohio-5091.

**2014-0303. State v. Jefferson.**

Cuyahoga App. No. 99589, 2013-Ohio-5248.

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

**2014-0304. State v. Tesyk.**

Mahoning App. No. 13 MA 3, 2014-Ohio-180.

O'Neill, J., dissents.

**2014-0308. State v. English.**

Franklin App. No. 13AP-88, 2014-Ohio-89.

Lanzinger, J., dissents.

**2014-0312. State v. Michael.**

Franklin App. No. 13AP-436, 2014-Ohio-125.

**2014-0314. Snapp v. Castlebrook Builders, Inc.**

Shelby App. No. 17-12-22, 2014-Ohio-163.

**2014-0315. In re R.E.A.**

Cuyahoga App. No. 99652, 2014-Ohio-110.

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

**2014-0320. State v. Cisco.**

Delaware App. No. 13 CAA 04 0026, 2013-Ohio-5412.

**2014-0322. State v. Nichols.**

Summit App. No. 26923, 2014-Ohio-102.

**2014-0327. State v. Jefferson.**

Franklin App. No. 12AP-238, 2014-Ohio-411.

**2014-0330. State v. Thompson.**

Cuyahoga App. No. 99628, 2014-Ohio-202.



**2014-0331. In re T.K.**

Summit App. No. 26916, 2014-Ohio-576.

Kennedy, French, and O’Neill, JJ., dissent.

**2014-0332. State v. Knauff.**

Adams App. No. 13CA976, 2014-Ohio-308.

**2014-0335. In re S.Y.**

Hamilton App. No. C-130580.

**2014-0337. State v. Smith.**

Highland App. No. 09CA29, 2010-Ohio-4507.

**2014-0338. State v. Hunter.**

Hamilton App. No. C-130061.

Pfeifer, J., dissents.

**2014-0339. Freedom Banc Mtge. Servs., Inc. v. Cincinnati Ins. Co.**

Franklin App. No. 13AP-400, 2014-Ohio-226.

Pfeifer, J., dissents.

**2014-0341. State v. Steele.**

Hamilton App. No. C-100637.

**2014-0343. Coventry Group, Inc. v. Gottlieb.**

Cuyahoga App. No. 100056, 2014-Ohio-213.

O’Donnell, Kennedy, and O’Neill, JJ., dissent.

**2014-0344. State v. Osman.**

Athens App. No. 13CA22, 2014-Ohio-294.

**2014-0345. State v. Shover.**

Summit App. No. 26800, 2014-Ohio-373.

O’Connor, C.J., and Kennedy and French, JJ., dissent.

**2014-0346. Harper v. Anthony.**

Cuyahoga App. No. 100082, 2014-Ohio-214.

**2014-0349. State v. Breznicki.**

Cuyahoga App. No. 94971, 2014-Ohio-197.

**2014-0360. State v. McDaniel.**

Summit App. No. 26997, 2014-Ohio-183.

Pfeifer, Acting C.J.

O'Connor, C.J., not participating.

**2014-0361. State v. Holland.**

Licking App. No. 11-CA-47, 2013-Ohio-904.

**2014-0369. State v. Adams.**

Mahoning App. No. 13 MA 111, 2014-Ohio-649.

**2014-0370. State v. Wilson.**

Summit App. No. 26683, 2014-Ohio-376.

**2014-0375. Bungard v. Jeffers.**

Washington App. No. 12CA26, 2014-Ohio-334.

O'Neill, J., dissents.

**2014-0376. State v. Murphy.**

Franklin App. No. 12AP-952, 2013-Ohio-5599.

**2014-0377. State v. Hayes.**

Seneca App. No. 13-13-21, 2014-Ohio-254.

**2014-0378. Kenison v. Kenison.**

Franklin App. No. 13AP-507, 2014-Ohio-315.

Pfeifer, J., dissents.

**2014-0380. Harding Pointe, Inc. v. Ohio Dept. of Job & Family Servs.**

Franklin App. No. 13AP-258, 2013-Ohio-4885.

**2014-0383. State v. Morgan.**

Clermont App. No. CA2013-03-021, 2014-Ohio-250.

**2014-0399. State v. Sutton.**

Lucas App. No. L-13-1061, 2013-Ohio-5629.

**2014-0413. State v. Walter.**

Cuyahoga App. No. 99894, 2014-Ohio-393.

**2014-0419. State v. Hach.**

Summit App. No. 27102, 2014-Ohio-682.

**2014-0427. State v. Richardson.**

Franklin App. No. 13AP-873.

**2014-0437. State v. Scates.**

Clark App. No. 2013-CA-36, 2014-Ohio-418.

**2014-0440. State v. Rarden.**

Butler App. No. CA2013-07-125, 2014-Ohio-564.

**2014-0448. McRae v. State Med. Bd. of Ohio.**

Franklin App. No. 13AP-526, 2014-Ohio-667.

O'Neill, J., not participating.

**2014-0468. Hurst v. Pribe.**

Franklin App. No. 13AP-792, 2014-Ohio-714.

**2014-0469. State v. Chamblin.**

Hamilton App. No. C-130828.

**2014-0470. State v. Francis.**

Butler App. No. CA2013-05-078, 2014-Ohio-443.

O'Neill, J., dissents.

**2014-0484. State v. Robinson.**

Franklin App. No. 13AP-563, 2014-Ohio-520.

**2014-0488. State v. Greer.**

Summit App. No. 26470, 2013-Ohio-4267.

**2014-0491. State v. Singleton.**

Montgomery App. No. 25946, 2014-Ohio-630.

**2014-0499. State v. Preston.**

Montgomery App. No. CA 25393, 2013-Ohio-4404.

**2014-0505. State v. Chamblin.**

Hamilton App. Nos. C-100170 and C-100177.

**2014-0592. State v. Williams.**  
Cuyahoga App. No. 99294, 2014-Ohio-1053.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2012-0187. In re Application of Columbus S. Power Co.**  
Public Utilities Commission, Nos. 08-917-EL-SSO and 08-918-EL-SSO.  
Reported at \_\_\_ Ohio St.3d \_\_\_, 2014-Ohio-462, 8 N.E.3d 863. On motion for  
reconsideration of Industrial Energy Users-Ohio. Motion denied.  
Pfeifer, O'Donnell, and O'Neill, JJ., dissent.

**2012-1589. Panther II Transp., Inc. v. Seville Bd. of Income Tax Rev.**  
Medina App. Nos. 11CA0092-M and 11CA0093-M, 2012-Ohio-3525. Reported at  
\_\_\_ Ohio St.3d \_\_\_, 2014-Ohio-1011, 8 N.E.3d 904. On motion for  
reconsideration of Village of Seville Board of Income Tax Review and amended  
motion for reconsideration of Nassim M. Lynch and Central Collection Agency.  
Motions denied.  
Pfeifer, J., dissents.

**2012-1592. Panther II Transp., Inc. v. Seville Bd. of Income Tax Rev.**  
Medina App. Nos. 11CA0092-M and 11CA0093-M, 2012-Ohio-3525. Reported at  
\_\_\_ Ohio St.3d \_\_\_, 2014-Ohio-1011, 8 N.E.3d 904. On motion for  
reconsideration of Village of Seville Board of Income Tax Review and amended  
motion for reconsideration of Nassim M. Lynch and Central Collection Agency.  
Motions denied.  
Pfeifer, J., dissents.

**2013-1923. State ex rel. Wilson v. Beljon.**  
Portage App. No. 2012-P-0055, 2013-Ohio-4753. Reported at 138 Ohio St.3d  
1448, 2014-Ohio-1182, 5 N.E.3d 666. On motion for reconsideration. Motion  
denied.

**2013-1924. Cleveland v. Taylor.**  
Cuyahoga App. No. 99594, 2013-Ohio-4708. Reported at 138 Ohio St.3d 1448,  
2014-Ohio-1182, 5 N.E.3d 666. On motion for reconsideration. Motion denied.

**2013-1927. R.K. v. Little Miami Golf Ctr.**  
Hamilton App. No. C-130087, 2013-Ohio-4939. Reported at 138 Ohio St.3d 1448,  
2014-Ohio-1182, 5 N.E.3d 666. On motion for reconsideration. Motion denied.

Lanzinger, Kennedy, and French, JJ., dissent.

**2013-2003. HSBC Bank USA, Natl. Assn. v. Sherman.**

Hamilton App. No. C-120302, 2013-Ohio-4220. Reported at 138 Ohio St.3d 1450, 2014-Ohio-1182, 5 N.E.3d 667. On motion for reconsideration. Motion denied. On motion for stay of sheriff's sale. Motion denied.

**2013-2043. Privett v. QSL-Milford, L.L.C.**

Clermont App. No. CA2013-04-025, 2013-Ohio-4129. Reported at 138 Ohio St.3d 1450, 2014-Ohio-1182, 5 N.E.3d 668. On motion for reconsideration. Motion denied.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.