

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

June 11, 2014

[Cite as *06/11/2014 Case Announcements*, 2014-Ohio-2487.]

---

## MERIT DECISIONS WITH OPINIONS

**2013-0103. Ohio Neighborhood Fin., Inc. v. Scott, Slip Opinion No. 2014-Ohio-2440.**

Lorain App. No. 11CA010030, 2012-Ohio-5566. Judgment reversed and cause remanded.

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

**2013-0386. Richman Properties, L.L.C. v. Medina Cty. Bd. of Revision, Slip Opinion No. 2014-Ohio-2439.**

Board of Tax Appeals, No. 2009-W-2607. Decision reversed and cause remanded.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2013-1203. State ex rel. W. Mkt. Plaza Ltd. Partnership v. Summit Cty. Planning Comm.**

In Mandamus. Upon consideration of the respondent's motion for judgment on the pleadings and the amended motion for leave to intervene and for judgment on the pleadings of Wal-Mart Real Estate Business Trust, it is ordered by the court that the amended motion for leave to intervene and the amended motion for judgment on the pleadings are denied, and respondents' motion for judgment on the pleadings is granted. Accordingly, this cause is dismissed.

O'Donnell, J., dissents and would grant an alternative writ and grant the amended motion for leave to intervene of Wal-Mart Real Estate Business Trust.

**2013-1864. D'Ambrosio v. State.**

Cuyahoga App. No. 99520, 2013-Ohio-4472. Upon consideration of the jurisdictional memoranda filed in the case, the court accepts the appeal, and the decision of the court of appeals is reversed on the authority of *Mansaray v. State*, 138 Ohio St.3d 277, 2014-Ohio-0750.

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

French, J., concurs in reversing the judgment of the court of appeals but would remand the cause for application of *Mansaray*.

O'Donnell, J., not participating.

**2014-0364. State ex rel. Kell v. Mattingly.**

In Mandamus and Prohibition. On motions to dismiss. Motions granted. Cause dismissed.

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

**2014-0533. State ex rel. Hillman v. Carr.**

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**

**2013-0090. State ex rel. Evans v. Marshall.**

In Mandamus and Procedendo. On motion for relief from judgment under Civ.R. 60(B)(5) by the full court pursuant to the Ohio Constitution, Article IV, Section 2(A). Motion denied.

**2014-0634. State v. Robinson.**

Summit App. No. 26802, 2013-Ohio-5237. On motion for delayed appeal. Motion denied.

**2014-0635. State v. Browder.**

Cuyahoga App. No. 99727, 2014-Ohio-113. On motion for delayed appeal. Motion denied.

## APPEALS ACCEPTED FOR REVIEW

### **2014-0353. In re R.W.**

Hamilton App. Nos. C-130151 and C-130152, 2014-Ohio-175. Discretionary appeal accepted; cause held for the decision in 2013-0579, *In re D.M.*, 1st Dist. Hamilton No. C-120794, 2013-Ohio-668; and briefing schedule stayed.

O'Connor, C.J., and O'Donnell and French, JJ., would accept the appeal on Proposition of Law No. I only.

### **2014-0358. Lycin v. Cleveland.**

Cuyahoga App. No. 99698, 2014-Ohio-203.

Pfeifer and French, JJ., dissent.

O'Donnell, J., not participating.

### **2014-0449. In re J.T.**

Hamilton App. No. C-130434.

Pfeifer, Lanzinger, and French, JJ., dissent.

### **2014-0454. State v. Watkins.**

Franklin App. Nos. 13AP-133 and 13AP-134, 2013-Ohio-5544. Discretionary appeal accepted; cause held for the decision in 2014-0120, *State v. Moore*, 7th Dist. Mahoning No. 08 MA 20, 2013-Ohio-5868.

O'Donnell, Kennedy, and French, JJ., dissent.

## APPEALS NOT ACCEPTED FOR REVIEW

### **2014-0061. State v. Logan.**

Cuyahoga App. No. 99434, 2013-Ohio-4493.

### **2014-0340. Elgin Furniture Northfield v. Johnson.**

Cuyahoga App. No. 100767.

### **2014-0342. State v. Honeycutt.**

Warren App. No. CA2013-02-018, 2014-Ohio-352.

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

### **2014-0348. Wolfe v. Grange Indemn. Ins. Co.**

Stark App. No. 2010CA00339, 2012-Ohio-598.

Kennedy and French, JJ., dissent.

**2014-0350. State v. Berry.**

Defiance App. No. 4-13-11.

**2014-0351. State v. Revels.**

Franklin App. No. 12AP-831 and 12AP-832, 2014-Ohio-795.

Kennedy and French, JJ., dissent.

O'Neill, J., dissents and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

**2014-0352. State v. Castlin.**

Franklin App. Nos. 13AP-331, 13AP-332, 13AP-333, 13AP-334, and 13AP-335, 2014-Ohio-223.

Kennedy and French, JJ., dissent.

O'Neill, J., dissents and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

**2014-0355. Telb v. Lucas Cty. Bd. of Commrs.**

Lucas App. No. L-13-1069, 2014-Ohio-343.

O'Donnell and O'Neill, JJ., dissent.

**2014-0362. State v. Maschke.**

Morrow App. No. 11 CA 12, 2014-Ohio-288.

**2014-0366. Arch Bay Holdings, L.L.C. - Series 2010A v. Brown.**

Montgomery App. No. 25564, 2013-Ohio-5453.

**2014-0368. State v. Groce.**

Cuyahoga App. No. 99857, 2014-Ohio-389.

**2014-0381. Cleveland v. Townsend.**

Cuyahoga App. No. 99256, 2013-Ohio-5421.

O'Donnell, J., dissents.

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

**2014-0384. State v. Doyle.**

Fairfield App. No. 13 CA 8, 2014-Ohio-285.

**2014-0389. State v. Russell.**

Montgomery App. No. 25467, 2013-Ohio-5166.

**2014-0390. State v. Hunt.**

Franklin App. No. 12AP-1037, 2013-Ohio-5326.

**2014-0391. Glazer v. Chase Home Fin., L.L.C.**

Cuyahoga App. Nos. 99736 and 99875, 2013-Ohio-5589.

O'Neill, J., dissents.

**2014-0392. State v. Liles.**

Allen App. No. 1-13-04, 2014-Ohio-259.

**2014-0393. State v. Billenstein.**

Mercer App. No. 10-13-10, 2014-Ohio-255.

**2014-0394. State v. Rios.**

Williams App. No. WM-13-004, 2014-Ohio-341.

**2014-0396. Burnett v. Burnett.**

Sandusky App. No. S-12-041, 2013-Ohio-5174.

**2014-0397. U.S. Bank, N.A. v. Lawson.**

Delaware App. No. 13CAE030021, 2014-Ohio-463.

Kennedy, J., dissents.

**2014-0398. State v. Salim.**

Guernsey App. No. 13 CA 28, 2014-Ohio-357.

**2014-0401. State v. Milhoan.**

Franklin App. No. 13AP-74, 2014-Ohio-310.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

O'Donnell and French, JJ., dissent.

**2014-0402. State v. Brown.**

Franklin App. No. 13AP-349, 2014-Ohio-314.  
Kennedy and French, JJ., dissent.

**2014-0403. State v. Woody.**

Cuyahoga App. No. 99774, 2014-Ohio-302.  
O’Neill, J., dissents.

**2014-0406. State v. Dukes.**

Hamilton App. Nos. C-120819 and C-120845.

**2014-0407. State v. Yee.**

Erie App. No. E-12-017, 2013-Ohio-5184.

**2014-0409. Citizens Against Am. Landfill Expansion v. Koncelik.**

Franklin App. Nos. 12AP-741, 12AP-742, 12AP-743, and 12AP-744, 2014-Ohio-123.

Kennedy, J., dissents.

French, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

**2014-0412. State v. Hurst.**

Licking App. No. 13 CA 64, 2014-Ohio-481.

**2014-0414. State v. Jarrett.**

Cuyahoga App. No. 98759, 2014-Ohio-488.

**2014-0417. State v. Pasiiecznik.**

Erie App. No. E-13-026, 2014-Ohio-342.  
O’Donnell, J., dissents.

**2014-0430. Jackson v. Carlton House Condominium.**

Cuyahoga App. No. 100220, 2014-Ohio-403.

**2014-0433. Sullivans, Inc. v. Haehn.**

Cuyahoga App. No. 100150, 2014-Ohio-399.  
Kennedy, J., dissents.

**2014-0438. State v. Robinson.**

Cuyahoga App. No. 100077, 2014-Ohio-397.

**2014-0439. Deutsche Bank Natl. Trust Co. v. Kansa.**

Cuyahoga App. No. 100934.

**2014-0443. State v. Morales.**

Hamilton App. No. C-120670, 2014-Ohio-362.

O'Donnell, J., dissents.

**2014-0444. State v. Alexander.**

Hamilton App. No. C-130171, 2014-Ohio-510.

O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

**2014-0450. Cunningham v. Star Academy of Toledo.**

Lucas App. No. L-12-1272, 2014-Ohio-428.

French and O'Neill, JJ., dissent.

**2014-0453. State v. Lawrence.**

Montgomery App. No. 25623, 2014-Ohio-417.

**2014-0457. State v. Foster.**

Hamilton App. No. C-130369.

**2014-0458. State v. Morgan.**

Logan App. No. 8-13-14.

**2014-0461. State v. Chesrown.**

Summit App. No. 26336, 2014-Ohio-680.

**2014-0462. State v. Raymond.**

Allen App. No. 1-13-23, 2014-Ohio-556.

**2014-0464. Brackman v. Ohio Dept. of Job & Family Servs.**

Auglaize App. No. 2-13-23.

**2014-0465. Bank of New York Mellon Trust Co. v. Bowers.**

Lorain App. No. 12CA010289, 2013-Ohio-5488.

**2014-0466. Ervin v. Willison.**

Muskingum App. No. CC2011-0515.  
Pfeifer and O'Neill, JJ., dissent.

**2014-0473. Condominiums at Stonebridge Owners' Assn., Inc. v. K&D Group, Inc.**

Cuyahoga App. No. 100261, 2014-Ohio-503. Discretionary appeal not accepted. Appellants' motion to strike memorandum in response to jurisdiction is denied.  
Lanzinger, J., dissents and would accept the discretionary appeal.

**2014-0475. Capital One Bank (USA), N.A. v. Battison.**

Trumbull App. No. 2013-T-0016, 2013-Ohio-5843.

**2014-0478. State v. Sanders.**

Hamilton App. Nos. C-130193 and C-130194, 2014-Ohio-511.

**2014-0483. Anderson v. Preferred Title & Guar. Agency, Inc.**

Franklin App. No. 13AP-385, 2014-Ohio-561.

**2014-0494. State v. Brofford.**

Union App. No. 14-12-07, 2013-Ohio-3782.

**2014-0495. State v. Brofford.**

Union App. No. 14-12-08, 2013-Ohio-3781.

**2014-0514. State v. Tatum.**

Cuyahoga App. No. 99818, 2014-Ohio-386.  
O'Donnell, J., dissents.

**2014-0523. State v. Conner.**

Cuyahoga App. No. 99557, 2014-Ohio-601.

**2014-0526. State v. Green.**

Mahoning App. No. 12 MA 226, 2014-Ohio-648.

**2014-0527. State v. Draughon.**

Franklin App. No. 13AP-345, 2014-Ohio-1460.

**2014-0529. State v. Elkins.**

Franklin App. No. 13AP-780.



**2014-0534. State v. Reed.**

Wyandot App. No. 16-13-11, 2014-Ohio-644.

**2014-0537. State v. Minor.**

Summit App. No. 26362, 2013-Ohio-558.

**2014-0538. State v. Wynn.**

Montgomery App. No. 25730, 2014-Ohio-621.

**2014-0554. State v. Hendricks.**

Summit App. No. 26978, 2014-Ohio-683.

**2014-0558. State v. Dudley.**

Cuyahoga App. No. 99952, 2014-Ohio-826.

**2014-0559. State v. Bell.**

Stark App. No. 2013 CA 00110, 2014-Ohio-663.

**2014-0572. State v. Bryant.**

Butler App. No. CA2013-12-220.

**2014-0576. State v. Smith.**

Montgomery App. No. 25733, 2014-Ohio-1119.

**2014-0578. State v. Poulton.**

Muskingum App. No. CT2013-0030, 2014-Ohio-1198.

**2014-0586. State v. Gray.**

Richland App. No. 13CA52.

Pfeifer, J., dissents.

**2014-0599. State v. Caldwell.**

Summit App. No. 27003, 2014-Ohio-1032.

**2014-0609. State v. Carr.**

Summit App. No. 26661, 2014-Ohio-806.

Pfeifer, J., dissents.

**2014-0613. State v. Boles.**

Ashtabula App. No. 2013-A-0026, 2014-Ohio-744.

**2014-0614. State v. Grissom.**

Montgomery App. No. 25750, 2014-Ohio-857.

**2014-0615. State v. Pena.**

Lucas App. No. L-12-1309, 2014-Ohio-423.

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

Hamilton App. No. C-130795.

**2014-0621. State v. Graham.**

Hamilton App. No. C-130375, 2014-Ohio-1024.

**RECONSIDERATION OF PRIOR DECISIONS**

**2007-0755. State v. Maxwell.**

Cuyahoga C.P. No. CR475400. Reported in 139 Ohio St.3d 12, 2014-Ohio-1019, 9 N.E.3d 930. On motion for reconsideration and to stay issuance of mandate. Motion denied.

O'Neill, J., dissents.

**2013-0952. State ex rel. West v. McDonnell.**

Cuyahoga App. No. 99085, 2013-Ohio-1043. Reported in 139 Ohio St.3d 120, 2014-Ohio-1563, 9 N.E.3d 1030. On motion for reconsideration. Motion denied.

**2013-1905. Jacobs v. FirstMerit Corp.**

Lake App. No. 2013-L-012, 2013-Ohio-4308. Reported in 138 Ohio St.3d 1468, 2014-Ohio-1674, 6 N.E.3d 1204. On motion for reconsideration. Motion denied.

French, J., dissents and would grant the motion for reconsideration as to Proposition of Law Nos. IV and V.

**2014-0036. State v. Farley.**

Muskingum App. No. CT2013-0026, 2013-Ohio-5517. Reported in 138 Ohio St.3d 1468, 2014-Ohio-1674, 6 N.E.3d 1205. On motion for reconsideration. Motion denied.

**2014-0157. Granata v. Stamatakos.**

Franklin App. No. 13AP-424, 2013-Ohio-5548. Reported in 138 Ohio St.3d 1471, 2014-Ohio-1674, 6 N.E.3d 1206. On motion for reconsideration. Motion denied.