

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

11/19/2014

[Cite as *11/19/2014 Case Announcements*, 2014-Ohio-5098.]

MERIT DECISIONS WITH OPINIONS

2013-1985. Dayton Bar Assn. v. Ballato, Slip Opinion No. 2014-Ohio-5063.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2013-001. Thomas Andrew Ballato, Attorney Registration No. 0064160, is indefinitely suspended from the practice of law in Ohio with no credit for time served under interim felony suspension.

Pfeifer, Kennedy, French, and O’Neill, JJ., concur.

O’Connor, C.J. and O’Donnell, J., dissent and would disbar respondent.

Lanzinger, J., dissents and would grant credit for time served under interim suspension.

2014-0200. Mahoning Cty. Bar Assn. v. Helbley, Slip Opinion No. 2014-Ohio-5064.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2012-045. William Charles Helbley Jr., Attorney Registration No. 0041660, is indefinitely suspended from the practice of law in Ohio with credit for time served under interim felony suspension.

Pfeifer, Lanzinger, French, and O’Neill, JJ., concur.

O’Connor, C.J., and O’Donnell and Kennedy, JJ., dissent and would not grant credit for time served under interim suspension.

MERIT DECISIONS WITHOUT OPINIONS

2014-0410. In re B.L.

Lucas App. No. L-13-1258. This cause, here on a certification of conflict by the Court of Appeals for Lucas County, was considered in the manner prescribed by law. On consideration thereof, the court answers the certified question in the negative on the authority of *In re B.C.*, 141 Ohio St.3d 55, 2014-Ohio-4558, 21 N.E.3d 308, and the judgment of the court of appeals is affirmed.

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

O'Neill, J., dissents for the reasons set forth in his dissenting opinion in *In re B.C.*, 141 Ohio St.3d 55, 2014-Ohio-4558, 21 N.E.3d 308.

2014-1118. State ex rel. Jergens v. Mohr.

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.

2014-1132. El Bey ex rel. Gaston v. Horton.

In Habeas Corpus. On petition for writ of habeas corpus of Faruq El Bey. Sua sponte, cause dismissed.

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

2014-1137. Chappell v. Morgan.

In Habeas Corpus. On petition for writ of habeas corpus of Ronald Chappell. Sua sponte, cause dismissed.

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

2014-1204. State ex rel. White v. Richard.

In Habeas Corpus. On petition for writ of habeas corpus of Gregory White. Sua sponte, cause dismissed.

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

2014-1251. Robinson v. LaRose.

In Habeas Corpus. On petition for writ of habeas corpus of Glenn D. Robinson. Sua sponte, cause dismissed.

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

2014-1310. Dukles v. LaRose.

In Habeas Corpus. On petition for writ of habeas corpus of Marc Dukles. Sua sponte, cause dismissed. Motion to strike denied as moot. Motion for issuance of peremptory writ denied as moot.

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

2014-1401. Madison v. Crutchfield.

In Habeas Corpus. On petition for writ of habeas corpus of Eric Madison. Sua sponte, cause dismissed.

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

2014-1461. Pierson v. Crutchfield.

In Habeas Corpus. On petition for writ of habeas corpus of Clifton Pierson. Sua sponte, cause dismissed.

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

2014-1559. Gibson-El v. Franklin Cty. Mun. Court.

In Quo Warranto, Mandamus, and Prohibition. On motions to dismiss of Franklin County Municipal Court, et al., Ohio Highway Patrol and Joshua Barry, and Franklin County Sheriff's Office. Motions granted. Cause dismissed.

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

2014-1586. State ex rel. Lorain Cty. Commrs. v. Lorain Cty. Court of Common Pleas.

In Prohibition. On motion to file the Supreme Court of Ohio's security assessment regarding the Lorain County Court of Common Pleas under seal and for in camera review. Motion granted in part and denied in part. The Physical Security Assessment shall be filed under seal, but it will not be viewed in camera.

It is further ordered by the court that the commissioners be served with a copy of the assessment.

On motion to dismiss. Motion denied. On motion to strike. Motion denied.

It is further ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 10 days of the filing of the evidence; respondents shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 7 days after filing of respondents' brief.

O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

O'Connor, C.J., and Pfeifer and O'Neill, JJ., dissent and would grant a peremptory writ to order the respondents to vacate the challenged order.

2014-1600. Watley v. Tenth Dist. Court of Appeals.

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.

2014-1613. State ex rel. Santiago v. Matia.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. Motion for stay denied as moot.

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

2014-1733. Skaggs v. Crutchfield.

In Habeas Corpus. On petition for writ of habeas corpus of Jason Skaggs. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2014-0467. State ex rel. Stokes v. Adrine.

In Mandamus and Prohibition. On motion for clarification of respondent's obligations pursuant to the court's alternative writ.

It is ordered by the court that the motion for clarification shall be treated as a motion for reconsideration. Upon consideration thereof, it is ordered that the motion is granted and the petition is dismissed. The petitioner failed to exhaust available remedies under Sup.R. 4.02.

It is further ordered that relator's motion to show cause why respondent should not be held in contempt for failing to comply with this court's alternative writ is denied.

Pfeifer, J., dissents and would grant the motion, and would hold that under S.Ct.Prac.R. 12.05 the issuance of the writ did not stay the order sought to be prohibited.

Kennedy, J., dissents and would grant the motion, and would hold that the order sought to be prohibited is stayed.

2014-1362. Wheeler v. Testa.

Board of Tax Appeals, No. 2012-2043. On motion to dismiss notice of appeal of Martin Marietta Energy Systems, Inc. Motion denied. On motion to stay related proceedings currently pending before the Ohio Department of Taxation. Motion denied.

2014-1682. State v. Taylor.

Cuyahoga App. No. 100315, 2014-Ohio-3134. On motion for delayed appeal. Motion granted.

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

2014-1694. State v. Steiner.

Fairfield App. No. 14CA28. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-1702. State v. Wells.

Cuyahoga App. No. 100365, 2014-Ohio-3032. On motion for delayed appeal. Motion denied.

2014-1754. State v. Ferguson.

Franklin App. No. 13AP-891, 2014-Ohio-3153. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-1765. State v. Scott.

Mahoning App. No. 13 MA 47, 2014-Ohio-2993. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2014-1200. State v. Collins.

Cuyahoga App. No. 101557. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

2014-1201. State v. Wiley.

Cuyahoga App. No. 101563. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558; and briefing schedule stayed.

2014-1208. Swartz v. Householder.

Jefferson App. No. 13 JE 24, 2014-Ohio-2359. Discretionary appeal accepted; cause held for the decision in 2014-0803, *Walker v. Shondrick-Nau*, 7th Dist. Noble No. 13 NO 402, 2014-Ohio-1499; and briefing schedule stayed.

Pfeifer and O'Neill, JJ., dissent, and would grant the discretionary appeal but would not hold the cause for decision in *Walker v. Shondrick-Nau* and would not stay the briefing schedule.

2014-1209. Shannon v. Householder.

Jefferson App. Nos. 13 JE 25 and 13 JE 24, 2014-Ohio-2359. Discretionary appeal accepted; cause held for the decision in 2014-0803, *Walker v. Shondrick-Nau*, 7th Dist. Noble No. 13 NO 402, 2014-Ohio-1499; and briefing schedule stayed.

Pfeifer and O'Neill, JJ., dissent, and would grant the discretionary appeal but would not hold the cause for decision in *Walker v. Shondrick-Nau* and would not stay the briefing schedule.

2014-1230. State v. Thompson.

Madison App. No. CA2014-04-010.

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

APPEALS NOT ACCEPTED FOR REVIEW

2014-1211. Higgins v. Oracle Elevator Co.

Franklin App. No. 14AP-334.

2014-1217. State v. Summers.

Darke App. No. 2013 CA 16, 2014-Ohio-2441.

O'Connor, C.J., dissents, and would remand the case to the court of appeals for application of *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177.

2014-1218. Nau v. Martins Ferry.

Belmont App. No. 13 BE 24, 2014-Ohio-2466.

O'Neill, J., dissents.

2014-1219. Mann v. Resolution T Co., L.L.C.

Miami App. No. 2014-CA-5, 2014-Ohio-2451.

2014-1221. State v. Sultaana.

Cuyahoga App. No. 101211.

2014-1222. Brown v. Brown.

Cuyahoga App. No. 100499, 2014-Ohio-2402.

2014-1226. Rogers v. Fuerst.

Cuyahoga App. No. 100670, 2014-Ohio-2774.

2014-1227. Helfrich v. Madison.

Licking App. No. 13-CA-57, 2014-Ohio-1928.

2014-1243. Brecksville v. Werstler.

Cuyahoga App. No. 100041, 2014-Ohio-2388.

2014-1245. G.K.G. Builders, Inc. v. Burgess.

Lucas App. No. L-13-1228, 2014-Ohio-2431.

Kennedy, J., dissents.

2014-1247. In re K.M.A.T.

Franklin App. No. 13AP-832, 2014-Ohio-2420.

O'Neill, J., dissents.

2014-1266. Miller v. Bennett.

Lorain App. No. 13CA010336, 2014-Ohio-2460.

O'Donnell and French, JJ., dissent.

2014-1279. State v. Oester.

Stark App. No. 2012-CA-00118, 2013-Ohio-2676.

O'Connor, C.J., dissents, and pursuant to S.Ct.Prac.R. 7.08(B)(3) would accept jurisdiction, summarily reverse the appellate court, and order the appellate court to reissue its December 23, 2013 judgment with the proper notice and service required to restart the appeal clock.

French and O'Neill, JJ., dissent.

2014-1305. State v. Rachel.

Trumbull App. No. 2013-T-0123, 2014-Ohio-2891.

2014-1307. State v. Kwambana.

Clermont App. No. CA2013-12-092, 2014-Ohio-2582.

O'Neill, J., dissents and would accept the appeal and hold the cause for the decision in 2013-1255 and 1501, *State v. Rogers*, 8th Dist. Cuyahoga Nos. 98292, 98584, 98585, 98586, 98587, 98588, 98589, and 98590, 2013-Ohio-3235.

2014-1312. State v. Lime.

Cuyahoga App. No. 100515, 2014-Ohio-2647.

2014-1323. State v. Calhoun.

Summit App. No. 27056, 2014-Ohio-2628.

2014-1325. State v. Snead.

Clermont App. No. CA2014-01-014, 2014-Ohio-2895.

2014-1340. State v. Bryant.

Butler App. No. CA2013-06-107.

2014-1367. Douglass v. Priddy.

Geauga App. No. 2013-G-3172, 2014-Ohio-2881.

2014-1384. State v. Williams.

Lucas App. Nos. L-13-1053 and L-13-1054, 2014-Ohio-2834.

2014-1400. State v. Galloway.

Lucas App. No. L-13-1155, 2014-Ohio-2830.

2014-1407. State v. Hughes.

Franklin App. No. 13AP-1006, 2014-Ohio-2914.

2014-1408. State v. Smith.

Cuyahoga App. No. 100792, 2014-Ohio-3041.

2014-1503. State v. Moore.

Cuyahoga App. No. 57223, 2014-Ohio-3223.

2014-1506. State v. Ellis.

Cuyahoga App. No. 99830, 2014-Ohio-3226.

2014-1671. In re Adoption of K.A.B.

Preble App. No. CA2013-12-013.

O'Neill, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2013-1665. State ex rel. Kirkpatrick v. Rice.

Trumbull App. No. 2013-T-0004, 2013-Ohio-3978. Reported at 140 Ohio St.3d 398, 2014-Ohio-3958, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

2014-0894. Miller v. Hornyak.

Franklin App. No. 14AP-122. Reported at 140 Ohio St.3d 1439, 2014-Ohio-4160, 16 N.E.3d 682. On motion for reconsideration. Motion denied.

2014-0905. Canady v. Ohio Cas. Ins. Co.

Muskingum App. No. CT2013-0020, 2014-Ohio-596. Reported at 140 Ohio St.3d 1439, 2014-Ohio-4160, 16 N.E.3d 682. On motion for reconsideration. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2014-0914. State v. Sultaana.

Cuyahoga App. No. 101211. Reported at 140 Ohio St.3d 1439, 2014-Ohio-4160, 16 N.E.3d 683. On motion for reconsideration. Motion denied.

2014-0977. Stewart v. Elliott.

Portage App. No. 2013-P-0009, 2014-Ohio-1872. Reported at 140 Ohio St.3d 1440, 2014-Ohio-4160, 16 N.E.3d 683. On motion for reconsideration. Motion denied.

2014-0983. DLJ Mtge. Capital, Inc. v. Rosario.

Cuyahoga App. No. 100233, 2014-Ohio-1835. Reported at 140 Ohio St.3d 1440, 2014-Ohio-4160, 16 N.E.3d 683. On motion for reconsideration. Motion denied.

2014-1092. Clayton v. Ohio Bd. of Nursing.

Franklin App. No. 13AP-726, 2014-Ohio-2077. Reported at 140 Ohio St.3d 1441, 2014-Ohio-4160, 16 N.E.3d 684. On motion for reconsideration. Motion granted. Discretionary appeal accepted on Proposition of Law No. I.

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

Pfeifer and O'Neill, JJ., would also accept the appeal on Proposition of Law Nos. II and III.

2014-1138. State ex rel. Clemons v. Ohio Bur. of Workers Comp. Bd. of Dirs.

In Mandamus. Reported at 140 Ohio St.3d 1434, 2014-Ohio-4160, 16 N.E.3d 679. On motion for reconsideration. Motion denied.

2014-1225. State ex rel. Jurado v. Disciplinary Counsel.

In Mandamus and Prohibition. Reported at 140 Ohio St.3d 1435, 2014-Ohio-4160, 16 N.E.3d 679. On motion for reconsideration. Motion denied.

2014-1331. State ex rel. Picard v. Robinson.

In Procedendo. Reported at 140 Ohio St.3d 1435, 2014-Ohio-4160, 16 N.E.3d 680. On motion for reconsideration. Motion denied.