

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 12, 2014

[Cite as *03/12/2014 Case Announcements*, 2014-Ohio-889.]

MERIT DECISIONS WITH OPINIONS

2012-1410. State v. Long, Slip Opinion No. 2014-Ohio-849.

Hamilton App. No. C-110160, 2012-Ohio-3052. Judgment reversed and cause remanded.

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

2013-0571. Cleveland Metro. Bar Assn. v. Fonda, Slip Opinion No. 2014-Ohio-850.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 12-030. Charles Walter Fonda, Attorney Registration No. 0022753, is suspended from the practice of law for one year, with the entire suspension stayed on conditions.

O'Connor, C.J., and Lanzinger, Kennedy, French, and O'Neill, JJ., concur.
Pfeifer and O'Donnell, JJ., dissent and would impose a public reprimand.

2013-0611. Disciplinary Counsel v. Jones, Slip Opinion No. 2014-Ohio-809.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 11-02. Thomas Jones Jr. is enjoined from engaging in any further acts that constitute the unauthorized practice of law in Ohio.

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

MERIT DECISIONS WITHOUT OPINIONS

2013-1804. Birdsall v. Miller.

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

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

2013-1937. State ex rel. Brooks v. Kelly.

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

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

2013-1939. State ex rel. Tolliver v. Beatty.

In Procedendo. On amended motion to dismiss. Motion granted. On request for an order directing the service of unserved judges' decision. Request denied as moot. Cause dismissed.

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

2013-1976. State ex rel. Brooks v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Leander B. Brooks. Sua sponte, cause dismissed. On request for oral argument. Request denied.

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

2013-1991. Bandy v. Kelly.

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

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

2013-2001. Rembert v. Bunting.

In Habeas Corpus. On petition for writ of habeas corpus of Albert L. Rembert. Sua sponte, cause dismissed.

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

2013-2002. Cook v. Jennings.

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

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

2013-2031. Wilson v. Bunting.

In Habeas Corpus. On petition for writ of habeas corpus of Samuel A. Wilson. Sua sponte, cause dismissed. On motion for default judgment. Motion denied.

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

2013-2045. De Long v. Roberson.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

O'Donnell, Kennedy, and French, JJ., dissent and would grant an alternative writ.

2014-0010. State ex rel. Savage v. DeWine.

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.

2014-0024. Williams v. State.

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.

2014-0030. Williams v. Corrigan.

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.

2014-0031. State ex rel. Rains v. Cooper.

In Mandamus. On suggestion of mootness. Cause dismissed.

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

2014-0051. State ex rel. Bronston v. State.

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.

MOTION AND PROCEDURAL RULINGS

1997-1453. State v. Becker.

Holmes App. No. 96CA551. On motion for release of trial presentence investigation report needed to file new delayed appeal. Motion denied.

2002-0177. State v. Becker.

Holmes App. No. 01CA006. On motion for release of trial presentence investigation report needed to file new delayed appeal. Motion denied.

2013-0945. State ex rel. Cincinnati Enquirer v. Sage.

Butler App. No. CA2012-06-122, 2013-Ohio-2270. On motion for oral argument. Motion granted.

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

2013-1338. McBroom v. Bob-Boyd Lincoln Mercury, Inc.

Franklin App. Nos. 12AP-829 and 12AP-830, 2013-Ohio-1679. On motion to clarify jurisdiction. Motion denied.

2013-1445. Cireddu v. Clough.

Lake App. No. 2012-L-103, 2013-Ohio-2042. On motion for clarification of entry declining jurisdiction. Motion denied.

2014-0047. State v. Daniels.

Hamilton App. No. C-130150. On motion for delayed appeal. Motion denied.
Kennedy and O'Neill, JJ., dissent.

2014-0057. State v. Cedeno.

Cuyahoga App. No. 98500, 2013-Ohio-821. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-0061. State v. Logan.

Cuyahoga App. No. 99434, 2013-Ohio-4493. On motion for delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days from the date of this entry.

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

2014-0065. State v. Reid.

Lorain App. No. 12CA010265, 2013-Ohio-4274. On motion for delayed appeal. Motion denied.

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

2014-0101. State v. Ogle.

Hocking App. Nos. 11CA29, 11CA32, 12CA2, 12CA11, 12CA12, 12CA19, and 13CA9, 2013-Ohio-3770. On motion for delayed appeal. Motion denied.

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

2014-0118. State v. Wise.

Trumbull App. No. 2013-T-0033, 2013-Ohio-4632. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-0122. State v. Miller.

Lake App. No. 2011-L-111, 2012-Ohio-3515. On motion for delayed appeal. Motion denied.

2014-0142. State v. Matthews.

Fairfield App. No. 12-CA-35, 2013-Ohio-2183. On motion for delayed appeal. Motion denied.

2014-0148. State v. Green.

Lake App. No. 2012-L-089, 2013-Ohio-2041. On motion for delayed appeal. Motion denied.

2014-0175. State v. Linder.

Cuyahoga App. No. 99350, 2013-Ohio-5018. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-0255. State v. Shorter.

Mahoning App. No. 12 MA 55, 2014-Ohio-581. On motion for immediate stay of court of appeals' judgment. Motion denied.

2014-0268. State ex rel. Rohrer v. Holzapfel.

In Mandamus and Prohibition. On motion to expedite issuance of alternative writs. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-1730. Dodd v. Croskey.

Harrison App. No. 12 HA 6, 2013-Ohio-4257. Discretionary appeal accepted. Cross-appeals not accepted.

Pfeifer and O'Neill, JJ., dissent and would accept the discretionary appeal and the cross-appeals.

O'Donnell and Lanzinger, JJ., dissent and would not accept the discretionary appeal or the cross-appeals.

2013-1794. Wilkins v. Sha'ste, Inc.

Cuyahoga App. No. 99167, 2013-Ohio-3527. Discretionary appeal accepted on Proposition of Law No. I.

O'Neill, J., would also accept the appeal on Proposition of Law No. II.

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

2013-1842. State v. Bass.

Franklin App. Nos. 12AP-622 and 12AP-623, 2013-Ohio-4503. Discretionary appeal accepted; cause held for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

Cross-appeal not accepted.

2013-1852. State v. Schmick.

Cuyahoga App. No. 99262, 2013-Ohio-4488. Discretionary appeal accepted; cause held for the decision in 2013-1255 and 2013-1501, *State v. Rogers*, 8th Dist. Cuyahoga Nos. 98292, 98584, 98585, 98586, 98587, 98588, 98589, and 98590, 2013-Ohio-3235; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2013-1856. Sunset Estate Properties, L.L.C. v. Lodi.

Medina App. No. 12CA0023-M, 2013-Ohio-4973.

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

2013-1886. State v. North.

Franklin App. No. 13AP-110, 2013-Ohio-4607. Discretionary appeal accepted; cause held for the decision in 2013-0821, *State v. Bevly*, 10th Dist. Franklin No. 12AP-471, 2013-Ohio-1352; and briefing schedule stayed.

2013-1973. State v. Johnson.

Butler App. No. CA2012-11-235, 2013-Ohio-4865.

O'Donnell and Kennedy, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2013-1468. State v. Triplett.

Stark App. No. 2012CA00200, 2013-Ohio-3114.

O'Donnell, J., dissents.

2013-1709. Bank of New York Mellon v. Casey.

Fairfield App. No. 13-CA-26, 2013-Ohio-4686.

2013-1768. Chiro v. Foley.

Cuyahoga App. No. 99888, 2013-Ohio-4808. Discretionary appeal not accepted. On appellee's motion to dismiss the appeal. Motion denied.

2013-1796. Griffin v. First Natl. Acceptance Co.

Trumbull App. No. 2012-T-0075, 2013-Ohio-4302.

O'Donnell, J., dissents.

2013-1799. In re D.A.G.

Ross App. Nos. 13CA3366 and 13CA3367, 2013-Ohio-3414.

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

2013-1800. State v. Ream.

Allen App. No. 1-12-39, 2013-Ohio-4319.

O'Neill, J., dissents.

2013-1801. Galloway v. Firelands Local School Dist. Bd. of Edn.

Lorain App. No. 12CA010208, 2013-Ohio-4264. Discretionary appeal and cross-appeal not accepted.

Lanzinger and O'Neill, JJ., dissent.

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

2013-1802. Utz v. Stovall.

Portage App. No. 2012-P-0135, 2013-Ohio-4299.

2013-1806. Terry v. Kellstone, Inc.

Erie App. No. E-12-061, 2013-Ohio-4419.

2013-1808. F.W. v. T.C.

Lucas App. No. L-13-1150.

2013-1813. Yachanin v. Cleveland Civ. Serv. Comm.

Cuyahoga App. No. 99802, 2013-Ohio-4485.

2013-1818. State v. Haynie.

Marion App. No. 9-13-18, 2013-Ohio-3777.

2013-1819. State v. Wells.

Cuyahoga App. No. 98388, 2013-Ohio-3722.

Pfeifer and Kennedy, JJ., dissent.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-1821. Nelson v. Mohr.

Franklin App. No. 13AP-130, 2013-Ohio-4506.

O'Donnell, J., not participating.

2013-1824. State ex rel. Jones v. Warden, Grafton Corr. Inst.

Lorain App. No. 13CA010450.

2013-1825. Burr v. Nationwide Mut. Ins. Co.

Lorain App. No. 12CA010231, 2013-Ohio-4406.

O'Donnell and Kennedy, JJ., dissent.

2013-1838. State v. Bryant.

Delaware App. No. 12CAA120088, 2013-Ohio-4446.

2013-1839. State v. Anderson.

Trumbull App. No. 2013-T-0041, 2013-Ohio-4426.

2013-1844. Bodager v. Campbell.

Pike App. No. 12CA828, 2013-Ohio-4650.

2013-1845. Bringman Co., L.P.A. v. Blubaugh.

Franklin App. No. 13AP-340, 2013-Ohio-4672.

2013-1846. State v. Wright.

Cuyahoga App. No. 99531, 2013-Ohio-4473.

Kennedy, J., dissents.

2013-1848. State v. Whitaker.

Preble App. No. CA2012-10-013, 2013-Ohio-4434.

2013-1853. State v. Foreman.

Hancock App. No. 5-13-33.

2013-1854. Grange Mut. Cas. Co. v. Laughlin.

Licking App. No. 12-CA-0089, 2013-Ohio-4447.

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

2013-1855. State v. Phillips.

Lucas App. No. L-12-1111, 2013-Ohio-4525.

2013-1858. C.W. v. S.R.

Lucas App. No. L-12-1282, 2013-Ohio-4521.

O'Donnell, J., dissents.

2013-1859. 6957 Ridge Rd., L.L.C. v. Parma Bd. of Zoning Appeals.

Cuyahoga App. No. 99006, 2013-Ohio-4028.

Pfeifer and O'Neill, JJ., dissent.

2013-1860. U.S. Bank Natl. Assn. v. LaPierre.

Franklin App. No. 13AP-339.

O'Connor, C.J., and French and O'Neill, JJ., dissent and would accept the appeal and hold the cause for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, 9th Dist. Medina No. 12CA0025-M, 2012-Ohio-5562.

2013-1861. State v. Goshade.

Hamilton App. No. C-120586, 2013-Ohio-4457.

O'Connor, C.J., dissents and would accept the appeal and remand the cause for application of the decision in *State v. Clark*, 137 Ohio St.3d 346, 2013-Ohio-4731.

2013-1862. State v. Papenfuse.

Lucas App. No. L-13-1021, 2013-Ohio-4523.

O'Neill, J., dissents.

2013-1863. Natl. Wildlife Fedn. v. Korleski.

Franklin App. Nos. 12AP-278, 12AP-279, 12AP-280, and 12AP-281, 2013-Ohio-3923.

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

2013-1865. State v. Williams.

Cuyahoga App. No. 94965, 2013-Ohio-4471.

Pfeifer and O'Neill, JJ., dissent.

2013-1867. Hensley v. Durrani.

Hamilton App. No. C-130005, 2013-Ohio-4711.

Pfeifer, J., dissents.

2013-1869. State v. Smiley.

Cuyahoga App. No. 99486, 2013-Ohio-4495.

Pfeifer and O'Neill, JJ., dissent.

2013-1875. Boddie v. Prisley.

Franklin App. No. 13AP-247, 2013-Ohio-4462.

French, J., not participating.

2013-1879. State v. Barnett.

Cuyahoga App. No. 99419, 2013-Ohio-4595.

2013-1880. Baker v. Mosler.

Allen App. No. 1-13-05, 2013-Ohio-4976.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. II.

2013-1888. State v. Swiergosz.

Lucas App. No. L-12-1293, 2013-Ohio-4625.

2013-1889. State v. Trammell.

Montgomery App. No. 25355, 2013-Ohio-4615.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. IV.

2013-1890. PHH Mtge. Corp. v. Unknown Heirs of Cox.

Montgomery App. No. 25617, 2013-Ohio-4614.

Pfeifer and O'Donnell, JJ., dissent.

2013-1891. League v. Collins.

Butler App. No. CA2013-03-041, 2013-Ohio-3857.

2013-1892. Wells Fargo Bank, N.A. v. Arlington.

Delaware App. No. 13CAE030016, 2013-Ohio-4659.

Pfeifer, J., dissents.

2013-1894. State v. Webley.

Cuyahoga App. No. 99489, 2013-Ohio-4598.

O'Neill, J., not participating.

2013-1895. In re D.S.

Hamilton App. No. C-130094, 2013-Ohio-4565.

2013-1898. State v. McCoy.

Licking App. No. 13-CA-63, 2013-Ohio-5007. Discretionary appeal not accepted. On consideration of motion requesting judicial finding of prosecutor misconduct and malpractice/ineffective assistance of counsel. Motion denied as moot.

2013-1900. State v. Liso.

Brown App. No. CA2012-08-017, 2013-Ohio-4759.

2013-1904. State v. Ferrell.

Delaware App. No. 13 CAC 01 0001, 2013-Ohio-4651.

2013-1911. Cooper v. Westerville.

Delaware App. No. 13 CAE 02 0011, 2013-Ohio-4652.

2013-1912. State v. Price.

Cuyahoga App. No. 99058, 2013-Ohio-3912.

2013-1913. Calvary SPV I, L.L.C. v. Gabelman.

Licking App. No. 13-CA-15, 2013-Ohio-4663.

2013-1914. State v. Hilbert.

Miami App. No. 2013 CA 2, 2013-Ohio-4728.

2013-1929. State v. Randles.

Summit App. No. 26629, 2013-Ohio-4681.

2013-1931. State v. Bates.

Guernsey App. No. 13 CA 9, 2013-Ohio-4768.

2013-1935. Scalise v. Helms.

Summit App. No. 26901, 2013-Ohio-4678.

2013-1938. State v. Boone.

Summit App. No. 26104, 2013-Ohio-2664.

2013-1942. Zanesville v. Rouse.

Muskingum App. No. CT2008-0035, 2011-Ohio-3351.

2013-1957. State v. Gilbert.

Mahoning App. No. 08 MA 206, 2013-Ohio-4783.

2013-1961. DS Express Carriers, Inc. v. Dixie.

Erie App. No. E-12-034, 2013-Ohio-4829.

2013-1964. State v. Shaw.

Mahoning App. No. 12 MA 95, 2013-Ohio-5292.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-1970. State v. Westerfield.

Franklin App. No. 13AP-286, 2013-Ohio-4216.

2013-1975. State v. Liuzzo.

Cuyahoga App. No. 99545, 2013-Ohio-5028.

2013-1986. State v. Redd.

Lucas App. No. L-13-1087, 2013-Ohio-5181.

2013-1990. State v. Cox.

Montgomery App. No. 25477, 2013-Ohio-4941.

2013-2009. State v. Winningham.

Hamilton App. No. C-120788, 2013-Ohio-4872.
Pfeifer and O'Neill, JJ., dissent.

2013-2013. State v. Johnson.

Montgomery App. No. 25711, 2013-Ohio-4946.

2013-2020. State v. Lilliard.

Cuyahoga App. Nos. 99382, 99383, and 99385, 2013-Ohio-4906.

2013-2042. State v. Berry.

Defiance App. No. 4-12-03, 2013-Ohio-2380.

2014-0006. State v. Fox.

Franklin App. No. 13AP-444.

2014-0015. State v. Harrop.

Fayette App. No. CA2012-10-033.

2014-0183. In re M.H.

Summit App. No. 27031, 2013-Ohio-5565.

RECONSIDERATION OF PRIOR DECISIONS

2013-1642. State v. Fite.

Adams App. No. 13CA967. Reported at 137 Ohio St.3d 1475, 2014-Ohio-176, 2 N.E.3d 269. On motion for reconsideration. Motion denied.