

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 18, 2016

[Cite as *05/18/2016 Case Announcements*, 2016-Ohio-3028.]

MERIT DECISIONS WITH OPINIONS

2013-0513. In re Application of Ohio Edison Co., Slip Opinion No. 2016-Ohio-3021.

Public Utilities Commission, No. 12-1230-EL-SSO. Order affirmed.

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

2014-0881. Dublin City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2016-Ohio-3025.

Board of Tax Appeals, No. 2012-1136. Decision affirmed.

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

2015-0619. In re Von, Slip Opinion No. 2016-Ohio-3020.

Trumbull App. No. 2013-T-0085, 2015-Ohio-943. Judgment affirmed in part and reversed in part, and cause remanded.

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

Lanzinger, J., concurs in judgment only.

O'Neill, J., dissents.

2015-1252. Wells Fargo Bank, N.A. v. Allstate Ins. Co., Slip Opinion No. 2016-Ohio-3026.

Certified Question of State Law, United States Court, Northern District of Ohio, Eastern Division, No. 4:15CV0239. Certified question of state law dismissed as having been improvidently accepted.

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

2015-1316. Disciplinary Counsel v. Cannata and Phillips, Slip Opinion No. 2016-Ohio-3027.

On Certified Report by the Board of Professional Conduct, No. 2014-091. Sam Patrick Cannata, Attorney Registration No. 0078621, and Gerald Wayne Phillips, Attorney Registration No. 0024804, are hereby suspended from the practice of law in Ohio for six months, all stayed on conditions.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-1517. State ex rel. Singer v. Fairland Local School Dist. Bd. of Edn.

In Mandamus. On motion to dismiss. Motion denied. It is 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; relators 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 relators' brief; and relators may file a reply brief within 7 days after the filing of respondents' brief.

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

2015-1608. Zillow v. Bosel.

In Mandamus. On answer of respondent. It is 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; relators 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 relators' brief; and relators may file a reply brief within 7 days after the filing of respondents' brief.

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

2016-0344. State ex rel. Harris v. Bracy.

In Mandamus. On complaint in mandamus of Dwayne Harris. On S.Ct.Prac.R. 10.5 determination, cause dismissed. On motion to declare relator a vexatious litigator. Motion denied as moot.

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

2016-0351. State ex rel. McNeely v. Cook.

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

2013-1472. In re Adoption of Rules for Alternative & Renewable Energy Technology.

Public Utilities Commission, No. 08-888-EL-ORD. On motion to dismiss. Motion denied.

O'Donnell, J., not participating.

2015-2043. State v. Jenkins.

Cuyahoga App. No. 102462, 2015-Ohio-4583. On motion for limited remand. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2016-0414. State v. Elder.

Stark App. No. 2014CA00135, 2015-Ohio-3564. On motion for leave to file delayed appeal. Motion denied.

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

2016-0419. State v. Smith.

Cuyahoga App. No. 102495, 2016-Ohio-103. On motion for leave to file delayed appeal. Motion denied.

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

2016-0427. State v. Leet.

Montgomery App. No. 26696, 2016-Ohio-138. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0437. State v. Allen.

Cuyahoga App. No. 102932, 2016-Ohio-24. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0445. State v. Askew.

Stark App. No. 2015CA00034, 2015-Ohio-4125. On motion for leave to file delayed appeal. Motion denied.

2016-0466. State v. Wood.

Montgomery App. No. 26134, 2016-Ohio-143. On motion for leave to file delayed appeal. Motion granted.

Pfeifer and O'Donnell, JJ., dissent.

2016-0469. State v. Stack.

Lake App. No. 2014-L-122, 2015-Ohio-5521. On motion for leave to file delayed appeal. Motion denied.

2016-0473. State v. Hayes.

Lucas App. No. L-14-1249, 2016-Ohio-330. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

2016-0478. Gallito v. Levinsky.

Mahoning App. No. 13 MA 143, 2016-Ohio-889. On motion for stay of court of appeals' decision. Motion denied.

2016-0481. State v. Holmes.

Hancock App. No. 5-15-06, 2015-Ohio-5050. On motion for leave to file delayed appeal. Motion denied.

2016-0482. State v. Arega.

Franklin App. No. 15AP-591. On motion for leave to file delayed appeal. Motion denied.

2016-0484. State v. Wilson.

Lake App. No. 2015-L-067, 2015-Ohio-5465. On motion for leave to file delayed appeal. Motion denied.

2016-0486. State v. Storck.

Clark App. No. 14-CA-0130, 2015-Ohio-2880. On motion for leave to file delayed appeal. Motion denied.

2016-0488. State v. Porter.

Cuyahoga App. No. 102257, 2016-Ohio-1115. On amended motion to stay court of appeals' judgment and continue bond. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2016-0491. State v. Jackson.

Franklin App. No. 15AP-581, 2015-Ohio-5282. On motion for leave to file delayed appeal. Motion denied.

2016-0532. Cleveland v. Cleveland Police Patrolmen's Assn.

Cuyahoga App. No. 103010, 2016-Ohio-702. On unopposed motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2016-0213. State v. Kepler.

Muskingum App. No. CT2015-0021, 2015-Ohio-3291. Discretionary appeal accepted and held for decision in 2016-0215, *State v. Grimes*, and briefing schedule stayed.

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

2016-0238. State v. Bembry.

Mahoning App. Nos. 2014 MA 51 and 2014 MA 52, 2015-Ohio-5598.

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

2016-0271. State v. Polk.

Franklin App. No. 14AP-787, 2016-Ohio-28.

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

2016-0315. State v. Lee.

Franklin App. No. 14AP-1009, 2016-Ohio-122. Discretionary appeal accepted and held for decision in 2015-0677, *State v. Aalim*, and briefing schedule stayed.

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

2016-0317. State v. Anderson.

Montgomery App. No. 26525, 2016-Ohio-135.

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

APPEALS NOT ACCEPTED FOR REVIEW

2016-0092. State v. Hunter.

Hamilton App. Nos. C-140684, C-140704, and C-140717, 2016-Ohio-123.

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

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

O'Neill, J., dissents.

2016-0174. Udrija v. E. Cleveland.

Cuyahoga App. No. 102406, 2016-Ohio-288.

2016-0177. State v. James.

Cuyahoga App. No. 102944, 2015-Ohio-5429.

O'Donnell and Lanzinger, JJ., dissent.

2016-0181. Sims v. Nissan N. Am., Inc.

Franklin App. No. 15AP-19, 2015-Ohio-5367.

2016-0183. State v. Blair.

Cuyahoga App. No. 102548, 2015-Ohio-5416.

2016-0192. State v. Banks.

Cuyahoga App. No. 102360, 102361, 102362, and 102363, 2015-Ohio-5413.

O'Donnell, J., dissents.

2016-0194. State v. Lewis.

Cuyahoga App. No. 102939, 2015-Ohio-5267.

O'Neill, J., dissents.

2016-0204. State v. Stutler.

Stark App. No. 2015CA00099, 2015-Ohio-5518.

2016-0205. Oryann, Ltd. v. SL & MB, L.L.C.

Lake App. No. 2014-L-119, 2015-Ohio-5461.

2016-0216. Walls v. Lorain Cty. Bd. of Revision.

Lorain App. No. 14CA010682, 2015-Ohio-5448.

Kennedy and French, JJ., dissent.

2016-0218. Tarajcak v. Petkovic.

Geauga App. No. 2014-G-3217 and 2014-G-3233, 2015-Ohio-5459.

2016-0219. Pearson v. Manorcare Health Servs.

Lake App. No. 2014-L-047, 2015-Ohio-5460.

French and O'Neill, JJ., dissent.

2016-0223. LaSalle Bank, N.A. v. Smith.

Mahoning App. No. 13 MA 148, 2015-Ohio-5597.

O'Donnell, J., dissents.

2016-0224. State v. Cunningham.

Medina App. No. 14CA0032-M, 2015-Ohio-4306.

O'Donnell, J., dissents.

2016-0233. Edelman v. JELBS.

Franklin App. No. 14AP-512, 2015-Ohio-5542.

Pfeifer and French, JJ., dissent.

2016-0239. Huntington Natl. Bank v. Riversource Life Ins. Co.

Mahoning App. No. 14 MA 90, 2015-Ohio-5600.

Pfeifer and French, JJ., dissent.

2016-0241. State v. Woodhouse.

Sandusky App. No. S-14-021, 2015-Ohio-3806.

2016-0246. State v. Intihar.

Warren App. No. CA2015-05-046, 2015-Ohio-5507.

2016-0247. State v. Jones.

Cuyahoga App. No. 102814, 2015-Ohio-5540.

O'Connor, C.J., and Lanzinger and French, JJ., dissent and would accept the appeal and hold the cause for decision in 2015-1427, *State v. Jones*.

2016-0248. State v. Johnson.

Montgomery App. No. 26055, 2015-Ohio-5491.

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

2016-0253. State v. Neal.

Hocking App. No. 15CA1, 2016-Ohio-64.

2016-0264. State v. Carusone.

Hamilton App. No. C1400737, 2015-Ohio-4397.

O'Neill, J., dissents.

2016-0266. Wesbanco Bank, Inc. v. Smoked Ribs, Inc.

Scioto App. No. 15CA3689, 2016-Ohio-177.

Kennedy, J., dissents.

2016-0269. State v. Leyman.

Medina App. No. 14CA0037-M, 2016-Ohio-59.

2016-0272. Palladino v. Kennedy.

Cuyahoga App. No. 103115, 2016-Ohio-115.

2016-0273. State v. J.M.

Franklin App. No. 14AP-621, 2015-Ohio-5574.

2016-0275. State v. Machuca.

Allen App. No. 1-15-01, 2016-Ohio-254.

2016-0286. Strebler v. Morgan Stanley & Co., Inc.

Summit App. No. 27721, 2015-Ohio-4034.

O'Neill, J., dissents.

2016-0287. State v. Owens.

Gallia App. No. 14CA9, 2016-Ohio-176.

French, J., dissents.

2016-0293. Jascar Ents., L.L.C. v. Body by Jake Ents., L.L.C.

Wayne App. No. 14CA0006, 2015-Ohio-3281.
Pfeifer, Kennedy, and French, JJ., dissent.

2016-0295. In re Property Seized from Jobson.
Hamilton App. No. C-150707.

2016-0297. Spitzer Bldg. Co. v. Ergur Private Equity Group, L.L.C.
Lucas App. No. L-15-1008.

2016-0306. In re J.C.P.
Cuyahoga App. No. 103133, 2016-Ohio-116.

2016-0310. State v. Howell.
Stark App. No. 2015CA0004.

2016-0311. State v. Fite.
Adams App. No. 14CA998, 2016-Ohio-284.

2016-0312. Riffle v. Physicians & Surgeons Ambulance Serv.
Summit App. No. 27449, 2016-Ohio-94.

2016-0314. State v. Miller.
Hamilton App. No. C-140101.

2016-0316. State v. Godwin.
Cuyahoga App. No. 103224, 2016-Ohio-117.

2016-0324. State v. Rasul.
Cuyahoga App. No. 101625, 2016-Ohio-200.

2016-0325. State v. Christian.
Montgomery App. No. 25256, 2016-Ohio-516.
Lanzinger and O'Neill, JJ., dissent.

2016-0329. State v. McGraw.
Cuyahoga App. No. 102807, 2016-Ohio-205.

2016-0333. State v. Exon.
Clark App. No. 2014-CA-106, 2016-Ohio-600.

2016-0334. State v. Lumbus.

Cuyahoga App. No. 102273, 2016-Ohio-380.

2016-0336. State v. Sullivan.

Franklin App. No. 15AP-809, 2016-Ohio-218.

Pfeifer, J., dissents.

2016-0341. Moss v. Lorain Cty. Bd. of Mental Retardation.

Lorain App. No. 15CA010767, 2016-Ohio-169.

Pfeifer and O'Neill, JJ., dissent.

2016-0345. In re Reeder.

Franklin App. Nos. 15-AP-203 and 15-AP-218, 2016-Ohio-212.

O'Neill, J., dissents.

2016-0359. State v. Coleman.

Cuyahoga App. No. 102966, 2016-Ohio-297.

2016-0362. State v. Cowan.

Wood App. No. WD-14-036.

2016-0365. State v. McIntyre.

Summit App. No. 27670, 2016-Ohio-93.

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

2016-0369. Roubanes v. Brown.

Holmes App. No. 15CA05, 2015-Ohio-5112.

2016-0374. State v. Halstead.

Cuyahoga App. No. 102723, 2016-Ohio-290.

2016-0394. State v. Hardman.

Cuyahoga App. No. 102600, 2016-Ohio-498.

O'Neill, J., dissents and would accept the discretionary appeal and cross-appeal.

2016-0402. State v. Drescher.

Stark App. No. 2015CA00020, 2016-Ohio-403.

2016-0405. State v. Lee.

Mahoning App. No. 14 MA 120, 2016-Ohio-649.

2016-0407. State v. Thadur.

Ashland App. No. 15 COA 018, 2016-Ohio-417.

2016-0412. State v. Jackson.

Franklin App. No. 14AP-748, 2015-Ohio-5114.

2016-0417. State v. Taylor.

Cuyahoga App. No. 101615, 2016-Ohio-377.

2016-0431. In re G.H.

Mahoning App. No. 14 MA 7, 2016-Ohio-648.

O'Neill, J., dissents.

2016-0433. State v. Davis.

Richland App. No. 2014 CA 0034.

RECONSIDERATION OF PRIOR DECISIONS

2014-0607. In re D.S.

Licking App. No. 13-CA-58, 2014-Ohio-867. Reported at __ Ohio St.3d __, 2016-Ohio-1027, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

2014-0941. State v. Shabazz.

Cuyahoga App. No. 100021, 2014-Ohio-1828. Reported at __ Ohio St.3d __, 2016-Ohio-1055, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

2014-1241. Haight v. Cheap Escape Co.

Montgomery App. No. 25983, 2014-Ohio-2447. Reported at __ Ohio St.3d __, 2016-Ohio-1053, __ N.E.3d __. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2015-1568. State v. Raphael.

Warren App. Nos. CA2014-11-138 and CA2014-11-139, 2015-Ohio-3179. Reported at 144 Ohio St.3d 1458, 2016-Ohio-172, 44 N.E.3d 287. On motion for reconsideration. Motion denied.

2015-1921. State v. Lam.

Montgomery App. No. 26428, 2015-Ohio-4293. Reported at 145 Ohio St.3d 1409, 2016-Ohio-899, 46 N.E.3d 703. On motion for reconsideration. Motion denied. O'Neill, J., dissents.