

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 6, 2017

[Cite as *12/6/2017 Case Announcements*, 2017-Ohio-8842.]

MERIT DECISIONS WITH OPINIONS

2015-0713. [Orange City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision](#), Slip Opinion No. 2017-Ohio-8817.

Board of Tax Appeals, No. 2014-0206. Decision reversed.

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

2015-0976. [Kinnear Rd. Redevelopment, L.L.C. v. Testa](#), Slip Opinion No. 2017-Ohio-8816.

Board of Tax Appeals, No. 2013-1407. Decision affirmed.

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

2015-1332. [Accel, Inc. v. Testa](#), Slip Opinion No. 2017-Ohio-8798.

Board of Tax Appeals, No. 2012-2840. Decision affirmed.

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

2015-1388. [Huber Hts. City Schools Bd. of Edn. v. Montgomery Cty. Bd. of Revision](#), Slip Opinion No. 2017-Ohio-8819.

Board of Tax Appeals, No. 2014-4891. Decision affirmed.

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

2015-1431. Jakobovitch v. Cuyahoga Cty. Bd. of Revision, Slip Opinion No. 2017-Ohio-8818.

Board of Tax Appeals, No. 2015-1431. Decision affirmed.

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

2015-1432. Mann v. Cuyahoga Cty. Bd. of Revision, Slip Opinion No. 2017-Ohio-8820.

Board of Tax Appeals, No. 2014-3407. Decision vacated and cause remanded.

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

2016-1494. Disciplinary Counsel v. Maney, Slip Opinion No. 2017-Ohio-8799.

On Report by the Board of Professional Conduct, No. 2015-074. Thomas Patrick Maney Jr., Attorney Registration No. 0029042, is hereby suspended from the practice of law for one year, with six months stayed on conditions.

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

O'Neill, J., dissents.

2016-1834. Disciplinary Counsel v. Schuman, Slip Opinion No. 2017-Ohio-8800.

On Report by the Board of Professional Conduct, No. 2016-021. Andrew Robert Schuman, Attorney Registration No. 0072950, is hereby suspended from the practice of law for one year, with six months stayed on conditions and reinstatement stayed on conditions.

O'Donnell, Kennedy, French, Fischer, and DeWine, JJ., concur.

O'Connor, C.J., and O'Neill, J., dissent and would not stay any portion of the suspension.

2017-0487. Disciplinary Counsel v. Smith, Slip Opinion No. 2017-Ohio-8821.

On Report by the Board of Professional Conduct, No. 2016-068. Samuel Ray Smith II, Attorney Registration No. 0076242, is hereby suspended from the practice of law for 18 months, with 12 months stayed.

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

2017-0489. Disciplinary Counsel v. Fuhry, Slip Opinion No. 2017-Ohio-8813.

On Report by the Board of Professional Conduct, No. 2016-060. Gigi Hoang Fuhry, Attorney Registration No. 0071630, is hereby suspended from the practice of law for two years, with six months stayed.

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

MERIT DECISIONS WITHOUT OPINIONS

2017-1094. El Bey v. McHale.

In Mandamus. On respondent's motion to dismiss amended complaint. Motion granted. Cause dismissed. On relator's motion for peremptory writ. Motion denied.

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

O'Neill, J., not participating.

2017-1162. State ex rel. Brillhart v. DeWine.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., not participating.

2017-1204. Person v. Lanzinger.

In Mandamus. On respondent's motion for judgment on pleadings. Motion granted. Cause dismissed.

O'Donnell, Kennedy, French, Fischer, and DeWine, JJ., concur.

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

2017-1227. State ex rel. Pressley v. Cook.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion to take judicial notice. Motion denied as moot.

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

O'Neill, J., not participating.

2017-1241. Stewart v. Richard.

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

2017-1281. State ex rel. Farmer v. Delaney.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motion for leave to file amended complaint in mandamus and/or prohibition. Motion denied. On respondents' motion to dismiss amended complaint. Motion denied as moot.

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

O'Neill, J., not participating.

2017-1284. Nakharath v. Vathannh.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed. On relator's motion to open a case of workplace discrimination. Motion denied as moot. On relator's motion to strike. Motion denied.

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

O'Neill, J., not participating.

2017-1319. O'Brien v. Brown.

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relators' amended motion for emergency stay. Motion denied.

O'Connor, C.J., and O'Donnell, Kennedy, Fischer, and DeWine, JJ., concur.
French and O'Neill, JJ., not participating.

2017-1327. Saag v. McBride.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., not participating.

2017-1456. Price v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

2017-1466. Woodard v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

2017-1490. Banks v. Richard.

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

2017-1510. Combs v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

MOTION AND PROCEDURAL RULINGS

2017-0244. State v. Johnson.

Muskingum App. No. CT2016-0035, 2016-Ohio-7931. On motion for relief. Motion denied.

O'Neill, J., not participating.

2017-0356. State ex rel. Franklin v. Stark Cty. Dept. of Job & Family Servs.

Stark App. No. 2016CA00109. On petition to challenge dismissal. Petition denied.

O'Neill, J., not participating.

2017-0503. State ex rel. Hillman v. Franklin Cty. Common Pleas Adm. Judge.

In Procedendo. On motion for relief from judgment. Motion denied.

O'Neill, J., not participating.

2017-0637. State ex rel. Sheets v. Indus. Comm.

Franklin App. No. 16AP-22, 2017-Ohio-1169. On motion for stay and to remand. Motion denied.

O'Neill, J., not participating.

2017-0913. Electronic Classroom of Tomorrow v. Dept. of Edn.

Franklin App. No. 16AP-863, 2017-Ohio-5607. On amended emergency motion for injunction and/or to expedite. Motion denied.

O'Donnell, J., dissents.

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for French, J.

O'Neill, J., not participating.

2017-1122. State v. Gordon.

Summit App. No. 28191, 2017-Ohio-5796. On request to hold briefing schedule in abeyance. Motion denied as moot.

O'Neill, J., not participating.

2017-1212. State v. Rigel.

Clark App. No. 2016-CA-50, 2017-Ohio-6906. On motion for stay. Motion denied.

O'Neill, J., not participating.

2017-1245. Stoltz v. J & B Steel Erectors, Inc.

Certified Question of State Law, United States District Court for the Southern District of Ohio, No. 1:14-cv-44. On review pursuant to S.Ct.Prac.R. 9.05, the court will answer the following question:

“Whether [R.C.] 4123.35(O) is unconstitutional as applied to the tort claims of an enrolled subcontractor’s employee who is injured while working on a self-insured construction project and whose injury is compensable under Ohio workers’ compensation laws.”

Petitioners shall file their merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

On motion of Messer Construction Co. to be designated as an amicus curiae in support of petitioners. Motion granted.

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

William A. Klatt, of the Tenth District Court of Appeals, sitting for O'Neill, J.

2017-1291. State v. Parks.

Carroll App. No. 17 CA 0916. On amended motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1298. State v. Elam.

Cuyahoga App. No. 103122, 2016-Ohio-5619. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., not participating.

2017-1322. State v. Hamm.

Hamilton App. Nos. C-160230 and C-160231, 2017-Ohio-5595. On motion for leave to file delayed appeal. Motion fails for want of four votes.

Kennedy and DeWine, JJ., dissent.

O’Neill and Fischer, JJ., not participating.

2017-1332. State v. Duvernay.

Allen App. No. 1-16-62, 2017-Ohio-4219. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O’Donnell and DeWine, JJ., dissent.

O’Neill, J., not participating.

2017-1336. Boyd v. Kingdom Trust Co.

Certified Question of State Law, United States Court of Appeals for the Sixth Circuit, No. 17-3026. On review pursuant to S.Ct.Prac.R. 9.05, the court will answer the following question:

“Does [R.C.] 1707.43 impose joint and several liability on a person who, acting as the custodian of a self-directed IRA, purchased— on behalf and at the direction of the owner of the self-directed IRA—illegal securities?”

Petitioners shall file their merit brief within 40 days and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

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

O’Neill, J., not participating.

2017-1369. State v. Wright.

Carroll App. No. 15 CA 0907, 2016-Ohio-8549. On motion for leave to file delayed appeal. Motion denied. On appellee’s motion to dismiss. Motion denied.

O’Neill, J., not participating.

2017-1394. State v. Washington.

Hamilton App. No. C-160697. On motion for leave to file delayed appeal. Motion denied.

O’Neill and Fischer, JJ., not participating.

2017-1430. State v. Almazan.

Cuyahoga App. No. 103563, 2016-Ohio-5408. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1437. State v. Banks.

Seneca App. No. 13-12-18, 2013-Ohio-649. On amended motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1439. State v. Chatmon.

Cuyahoga App. No. 99508, 2013-Ohio-5245. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1457. State v. Patterson.

Cuyahoga App. No. 101415, 2015-Ohio-873. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1461. State v. Canales.

Stark App. No. 2016 CA 00141, 2017-Ohio-5552. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

O'Neill, J., not participating.

2017-1462. State v. Powell.

Summit App. No. 28170, 2017-Ohio-5629. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

O'Neill, J., not participating.

2017-1470. State v. Stevens.

Cuyahoga App. No. 103516, 2016-Ohio-4699. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

2017-1472. State v. Fox.

Franklin App. No. 17AP-201. On motion for leave to file delayed appeal. Motion denied.

French and O'Neill, JJ., not participating.

2017-1543. Mullaji v. Mollagee.

Lorain App. No. 16CA011047. On motion for stay. Motion denied.

O'Neill, J., not participating.

APPEALS ACCEPTED FOR REVIEW

2017-0514. Ohio N. Univ. v. Charles Constr. Services, Inc.

Hancock App. No. 5-16-01, 2017-Ohio-258.

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

O'Neill, J., not participating.

2017-0553. Dept. of Job & Family Servs. v. Delphi Automotive Sys., L.L.C.

Franklin App. No. 14AP-971, 2017-Ohio-809.

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

O'Neill, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2017-0290. White v. Harris.

Warren App. No. CA2016-09-080.

O'Neill, J., not participating.

2017-0410. State v. Beck.

Hamilton App. No. C-150539, 2016-Ohio-8122.

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

O'Neill and Fischer, JJ., not participating.

2017-0468. Selwyn v. Grimes.

Cuyahoga App. No. 104605.

O'Neill, J., not participating.

2017-0471. State v. Boles.

Brown App. No. CA2016-07-014, 2017-Ohio-786.

O'Neill, J., not participating.

2017-0472. Kettering Health Network v. CareSource.

Montgomery App. No. 27233, 2017-Ohio-1193.

O'Donnell, J., dissents.

Fischer, J., dissents and would accept the cause on proposition of law No. I.

O'Neill, J., not participating.

2017-0473. Schultheiss v. Heinrich Ents., Inc.

Washington App. No. 15CA20, 2016-Ohio-121.

O'Donnell, J., dissents.

O'Neill, J., not participating.

2017-0475. State v. Sowell.

Cuyahoga App. No. 104673, 2016-Ohio-8299.

O'Neill, J., not participating.

2017-0481. State v. Kuck.

Darke App. No. 2015-CA-13, 2016-Ohio-8512.

O'Neill, J., not participating.

2017-0486. State v. Waters.

Cuyahoga App. No. 103932, 2017-Ohio-650.

O'Neill, J., not participating.

2017-0493. State v. Eddy.

Cuyahoga App. No. 104417, 2017-Ohio-741.

O'Neill, J., not participating.

2017-0505. State v. Kiehl.

Portage App. No. 2015-P-0020, 2016-Ohio-8543.

O'Neill, J., not participating.

2017-0510. In re D.C.

Franklin App. No. 16AP-124, 2017-Ohio-114.

DeWine, J., dissents.

O'Neill, J., not participating.

2017-0512. Johnson v. Hisle.

Hamilton App. No. C-160587.

O'Neill and Fischer, JJ., not participating.

2017-0516. Greenzalis v. Nationwide Mut. Ins. Co.

Franklin App. Nos. 16AP-139 and 16AP-382, 2016-Ohio-8344.

O’Neill, J., not participating.

2017-0551. Ford Motor Credit Co. v. Agrawal.

Cuyahoga App. No. 103667, 2016-Ohio-5928.

O’Neill, J., not participating.

2017-0552. Janiszewski v. Belmont Career Ctr.

Belmont App. No. 16 BE 0009, 2017-Ohio-855.

O’Neill, J., not participating.

2017-0555. Hiznay v. Boardman Twp.

Mahoning App. No. 15 MA 122, 2017-Ohio-1212.

DeWine, J., dissents.

O’Neill, J., not participating.

2017-0561. State v. Guysinger.

Ross App. No. 15CA3514, 2017-Ohio-1167.

O’Neill, J., not participating.

2017-0562. Roush v. Roush.

Franklin App. Nos. 15AP-1071, 16AP-264, and 16AP-388, 2017-Ohio-840.

O’Neill, J., not participating.

2017-0564. State v. McBride.

Trumbull App. No. 2016-T-0006, 2017-Ohio-891.

O’Neill, J., not participating.

2017-0567. State ex rel. New Riegel Local School Dist. Bd. of Edn. v. Ohio School Facilities Comm.

Seneca App. No. 13-16-22, 2017-Ohio-875.

O’Donnell, J., dissents and would accept the cause on proposition of law Nos. I and II.

O’Neill, J., not participating.

2017-0568. State v. Onunwor.

Cuyahoga App. No. 97895.

O’Neill, J., not participating.

2017-0569. State v. Murray.

Franklin App. No. 16AP-16, 2017-Ohio-949.

O'Neill, J., not participating.

2017-0574. Madison St. Fishery, L.L.C. v. Zehringer.

Erie App. No. E-16-038, 2017-Ohio-992.

O'Donnell and French, JJ., dissent.

O'Neill, J., not participating.

2017-0576. State v. Stidam.

Adams App. No. 15CA1014, 2016-Ohio-7906.

French and Fischer, JJ., dissent.

O'Neill, J., not participating.

2017-0577. State v. Leonard.

Ross App. No. 16CA3573, 2017-Ohio-1541.

O'Neill, J., not participating.

2017-0579. State v. Iakobets.

Summit App. No. 27974, 2017-Ohio-910.

O'Neill, J., not participating.

2017-0582. State v. Silkmitter.

Union App. No. 14-16-07, 2017-Ohio-327.

O'Neill, J., not participating.

2017-0587. Carr v. Cuyahoga Cty. Fiscal Officer.

Cuyahoga App. No. 104652, 2017-Ohio-1050.

O'Neill, J., not participating.

2017-0609. State v. Petty.

Franklin App. No. 15AP-950, 2017-Ohio-1062.

O'Donnell and O'Neill, JJ., not participating.

2017-0610. Cole v. Dept. of Mental Health & Addiction Servs.

Cuyahoga App. No. 104975, 2017-Ohio-1375.

O'Neill, J., not participating.

2017-0627. State v. Barnes.

Hamilton App. No. C-150678.
O’Neill and Fischer, JJ., not participating.

2017-0640. State v. Hartman.

Medina App. No. 15CA0090-M, 2017-Ohio-1089.
O’Neill, J., not participating.

2017-0648. State v. Gutierrez.

Delaware App. No. 16 CAA 07 0030, 2017-Ohio-1147.
French, J., dissents.
O’Neill, J., not participating.

2017-0774. State v. Fetherolf.

Union App. Nos. 14-16-10 and 14-16-11, 2017-Ohio-1316.
O’Neill, J., not participating.

2017-0857. State v. Ketterer.

Butler App. No. CA2016-08-166, 2017-Ohio-4117.
O’Neill, J., not participating.

2017-0990. State v. Ward.

Franklin App. No. 16AP-774, 2017-Ohio-4411.
O’Neill, J., not participating.

2017-0993. State v. Hernandez.

Belmont App. No. 16 BE 0008, 2017-Ohio-4157.
O’Neill, J., not participating.

2017-0999. In re N.K.R.

Franklin App. No. 17AP-311.
O’Neill, J., not participating.

2017-1003. State v. Bush.

Mahoning App. No. 16 MA 0016.
O’Neill, J., not participating.

2017-1005. State v. Dunning.

Pickaway App. No. 17CA3, 2017-Ohio-4451.
O’Neill, J., not participating.

2017-1007. State v. Parker.

Mahoning App. No. 15 MA 0174, 2017-Ohio-4382.

O'Neill, J., not participating.

2017-1010. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

Portage App. No. 2016-P-0057, 2017-Ohio-4237.

O'Donnell, J., dissents.

DeWine, J., dissents and would accept the cause on proposition of law No. I.

O'Neill, J., not participating.

2017-1013. State v. Thomas.

Allen App. No. 1-16-36, 2017-Ohio-4356.

O'Neill, J., not participating.

2017-1017. State v. Dahms.

Seneca App. No. 13-16-16, 2017-Ohio-4221.

O'Neill, J., not participating.

2017-1018. State v. Tyree.

Fayette App. No. CA2016-09-012, 2017-Ohio-4228.

O'Neill, J., not participating.

2017-1025. State v. Lockhart.

Scioto App. No. 16CA3732, 2017-Ohio-5798.

French, J., dissents and would accept the cause on proposition of law No. I.

O'Neill, J., not participating.

2017-1048. State v. Lusane.

Portage App. No. 2016-P-0036, 2017-Ohio-1513.

O'Neill, J., not participating.

2017-1053. State v. Ingram.

Sandusky App. No. S-16-046, 2017-Ohio-5685.

O'Neill, J., not participating.

2017-1075. State v. White.

Cuyahoga App. No. 105430, 2017-Ohio-6984.

O'Neill, J., not participating.

2017-1092. State v. McKinnon.

Columbiana App. No. 16 CO 0011, 2017-Ohio-5784.
O’Neill, J., not participating.

2017-1093. State v. Vinson.

Lake App. No. 2016-L-086, 2017-Ohio-5641.
O’Neill, J., not participating.

2017-1100. State v. Keith.

Crawford App. No. 3-17-01, 2017-Ohio-5488.
O’Neill, J., not participating.

2017-1103. State ex rel. Phillips v. Adult Parole Auth.

Franklin App. No. 17AP-7, 2017-Ohio-5532.
O’Neill, J., not participating.

2017-1104. State v. Rufus.

Cuyahoga App. No. 105026, 2017-Ohio-5583.
O’Neill, J., not participating.

2017-1107. State v. Ercoli.

Cuyahoga App. No. 104578, 2017-Ohio-5571.
O’Neill, J., not participating.

2017-1108. State v. Jackson.

Montgomery App. No. 27172, 2017-Ohio-1304. Motion to certify record denied as moot.
O’Neill, J., not participating

2017-1109. State v. Jackson.

Montgomery App. No. 27172, 2017-Ohio-1304.
O’Neill, J., not participating.

2017-1133. State v. Stout.

Hardin App. No. 6-17-04.
O’Neill, J., not participating.

2017-1140. State v. Love.

Erie App. No. E-16-024, 2017-Ohio-5688.
O’Neill, J., not participating.

2017-1145. State v. Bragg.

Licking App. No. 16-CA-95, 2017-Ohio-5726.

O'Neill, J., not participating.

2017-1149. State v. Fredrick.

Summit App. No. 28120, 2017-Ohio-2635.

O'Neill, J., not participating.

2017-1150. State v. Nicholson.

Stark App. No. 2016 CA 00210, 2017-Ohio-2825.

O'Neill, J., not participating.

2017-1153. State v. Curtis.

Brown App. No. CA2016-12-026, 2017-Ohio-7018.

O'Neill, J., not participating.

2017-1185. State v. Johnson.

Lucas App. No. L-17-1014, 2017-Ohio-7102.

O'Neill, J., not participating.

2017-1192. State v. Gordon.

Summit App. No. 28191, 2017-Ohio-5796.

Fischer, J., dissents and would accept the cause on proposition of law No. I.

O'Neill, J., not participating.

2017-1198. State v. Sands.

Lake App. No. 2016-L-124, 2017-Ohio-5857. Motion for oral argument denied.

O'Neill, J., not participating.

2017-1201. State v. Warman.

Butler App. No. CA2016-02-029.

O'Neill, J., not participating.

2017-1202. State v. Emerine.

Trumbull App. No. 2016-T-0048.

O'Neill, J., not participating.

2017-1203. State v. White.

Cuyahoga App. No. 101576, 2017-Ohio-7169.

O'Neill, J., not participating.

2017-1209. State v. Collopy.

Coshocton App. No. 2016-CA-0010.

French, J., dissents.

O'Neill, J., not participating.

2017-1216. State v. Quinn.

Clark App. No. 2014-CA-44, 2017-Ohio-7000.

O'Donnell, J., dissents.

O'Neill, J., not participating.

2017-1223. State v. Peyton.

Butler App. No. CA2015-06-112.

O'Neill, J., not participating.

2017-1228. State v. Franks.

Summit App. No. 28533, 2017-Ohio-7045.

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

2017-1230. State v. Johnson.

Franklin App. No. 16AP-843.

O'Neill, J., not participating.

2017-1240. State v. Landrum.

Cuyahoga App. No. 104511, 2017-Ohio-7240.

O'Neill, J., not participating.

2017-1246. State v. Kidd.

Clark App. No. 2016-CA-87, 2017-Ohio-6996.

O'Neill, J., not participating.

2017-1253. State v. Beverly.

Clark App. No. 2015-CA-71, 2017-Ohio-7093.

O'Neill, J., not participating.

2017-1257. State v. Robinson.

Hancock App. No. 5-16-13, 2017-Ohio-2703.

O'Neill, J., not participating

2017-1258. State v. Bolton.

Cuyahoga App. No. 103628, 2017-Ohio-7062.
O'Neill, J., not participating.

2017-1299. State v. Berry.

Hancock App. No. 5-16-16.
O'Neill, J., not participating.

2017-1334. State v. Brown.

Cuyahoga App. No. 103491, 2017-Ohio-7239.
O'Neill, J., not participating.

2017-1363. State v. Fetherolf.

Union App. No. 14-16-10.
O'Neill, J., not participating.

2017-1431. State v. Johnson.

Stark App. No. 2016 CA 00069.
O'Neill, J., not participating.

2017-1434. In re M.O.

Summit App. Nos. 28351, 28371, and 28383, 2017-Ohio-7691. Motion for stay denied.

Fischer, J., dissents and would accept the cause.
O'Neill, J., not participating.

2017-1438. State v. Jewett.

Scioto App. No. 15CA3714.
O'Neill, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2015-0924. State v. Morgan.

Franklin App. No. 13AP-620, 2014-Ohio-5661. Reported at __ Ohio St.3d __, 2017-Ohio-7565, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Connor, C.J., and French, J., dissent.
O'Neill, J., not participating.

2016-1013. Stewart v. Vivian.

Clermont App. No. CA2015-05-039, 2016-Ohio-2892. Reported at __ Ohio St.3d __, 2017-Ohio-7526, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents.

O'Neill, J., not participating.

2017-0166. State v. Price.

Mahoning App. No. 2015 MA 206. Reported at 150 Ohio St.3d 1443, 2017-Ohio-7843, 82 N.E.3d 1176. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0174. Maxwell v. Columbus Maennerchor.

Franklin App. No. 16AP 41, 2016-Ohio-7133. Reported at 150 Ohio St.3d 1443, 2017-Ohio-7843, 82 N.E.3d 1176. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0267. State v. Napier.

Clermont App. No. CA2016-04-022, 2017-Ohio-246. Reported at 150 Ohio St.3d 1452, 2017-Ohio-8136, 83 N.E.3d 938. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

O'Neill, J., not participating.

2017-0389. State ex rel. Armatas v. Haas.

In Prohibition. Reported at 150 Ohio St.3d 1424, 2017-Ohio-7567, 81 N.E.3d 1267. On motion for reconsideration. Motion denied. On motion to stay medical-records-release order. Motion denied.

O'Neill, J., not participating.

2017-0515. State v. Myers.

Wood App. No. WD-16-026, 2017-Ohio-1220. Reported at 150 Ohio St.3d 1431, 2017-Ohio-7567, 81 N.E.3d 1272. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0534. Secy. of Veterans Affairs v. Shaffer.

Richland App. No. 16CA23, 2017-Ohio-801. Reported at 150 Ohio St.3d 1432, 2017-Ohio-7567, 81 N.E.3d 1272. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0600. Burke v. Excalibur Exploration, Inc.

Ashtabula App. No. 2016-A-0041, 2017-Ohio-999. Reported at 150 Ohio St.3d 1427, 2017-Ohio-7567, 81 N.E.3d 1269. On motion for reconsideration. Motion denied.

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

O'Neill, J., not participating.

2017-0713. Woods Cove III, L.L.C. v. Aloha Spy.

Cuyahoga App. No. 105599. Reported at 150 Ohio St.3d 1444, 2017-Ohio-7843, 82 N.E.3d 1177. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0735. McLaughlin v. Dept. of Job & Family Servs.

Franklin App. No. 16AP-879. Reported at 150 Ohio St.3d 1445, 2017-Ohio-7843, 82 N.E.3d 1177. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0746. Clark v. Adult Parole Auth.

Miscellaneous case. Reported at 150 Ohio St.3d 1425, 2017-Ohio-7567, 81 N.E.3d 1268. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0754. Satterwhite v. Frisch's Restaurant, Inc.

Hamilton App. No. C-160506. Reported at 150 Ohio St.3d 1445, 2017-Ohio-7843, 82 N.E.3d 1177. On motion for reconsideration. Motion denied.

O'Neill and Fischer, JJ., not participating.

2017-0755. State v. Ammiyhuwd.

Butler App. No. CA2016-08-151. Reported at 150 Ohio St.3d 1453, 2017-Ohio-8136, 83 N.E.3d 939. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0767. State v. Russell.

Franklin App. No. 16AP-542, 2017-Ohio-2871. Reported at 150 Ohio St.3d 1445, 2017-Ohio-7843, 82 N.E.3d 1177. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

2017-0776. State ex rel. Johnson v. Gormley.

In Prohibition. Reported at 150 Ohio St.3d 1425, 2017-Ohio-7567, 81 N.E.3d 1268. On motion for reconsideration. Motion denied. On motion for findings of fact and conclusions of law. Motion denied.

O'Neill, J., not participating.

2017-0845. Davis v. Scott.

In Habeas Corpus. Reported at 150 Ohio St.3d 1426, 2017-Ohio-7567, 81 N.E.3d 1268. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.