

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 25, 2018

[Cite as *04/25/2018 Case Announcements*, 2018-Ohio-1600.]

MERIT DECISIONS WITH OPINIONS

2015-0288. *Schutz v. Cuyahoga Cty. Bd. of Revision*, Slip Opinion No. 2018-Ohio-1588.

Board of Tax Appeals, No. 2013-3566. Decision affirmed.

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

DeGenaro, J., not participating.

2016-1468. *Bronx Park S. III Lancaster, L.L.C. v. Fairfield Cty. Bd. of Revision*, Slip Opinion No. 2018-Ohio-1589.

Board of Tax Appeals, No. 2015-973. Decision reversed and cause remanded.

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

Kennedy, J., concurs in judgment only.

Russell J. Mock, J., of the First District Court of Appeals, sitting for O'Neill, J.

2017-0696. *Portage Cty. Bd. of Dev. Disabilities v. Portage Cty. Educators' Assn. for Dev. Disabilities*, Slip Opinion No. 2018-Ohio-1590.

Portage App. No. 2016-P-0032, 2017-Ohio-888. Judgment affirmed.

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

Lisa L. Sadler, J., of the Tenth District Court of Appeals, sitting for O'Neill, J.

MERIT DECISIONS WITHOUT OPINIONS

2017-1344. Brewer v. Cuyahoga Cty. Bd. of Elections.

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

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

2017-1776. State ex rel. Cowan v. Jones.

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

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

2018-0016. State ex rel. Wylie-Brown v. O'Leary.

In Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motion for default judgment and motion for declaratory judgment and/or demand for contempt order. Motions denied as moot.

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

2018-0024. State ex rel. Norris v. Farmer.

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

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

2018-0028. State ex rel. Robinson v. Adult Parole Auth.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

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

2018-0039. State ex rel. Penland v. Bennett.

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

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

Fischer, J., not participating.

2018-0049. State ex rel. Johnson v. Whitney.

In Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed. On respondent's motion to restrict public access to Exhibit C of relator's second complaint. Motion granted.

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

Kennedy, J., dissents in part and would deny respondent's motion to restrict public access.

2018-0069. State ex rel. Tayse v. Summit Cty. Court of Common Pleas.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed. On respondents' motion to deem relator a vexatious litigator. Motion denied. On relator's motion to strike. Motion denied as moot.

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

2018-0100. State ex rel. Kerr v. Kelsey.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion to strike and motion for frivolous conduct. Motions denied. On respondent's motion to strike relator's motion for frivolous conduct. Motion denied.

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

2018-0104. State ex rel. Kellett v. Cocroft.

In Procedendo. On S.Ct.Prac.R. 12.04 determination. Cause dismissed as moot.

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

2018-0107. Davenport v. Baldwin.

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2018-0120. Martin v. Morrison.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0144. State ex rel. Bristow v. Fifth Dist. Court of Appeals.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

2018-0147. State ex rel. Parker v. Russo.

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

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

2018-0162. State ex rel. Van Tielen v. Gusweiler.

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

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

2018-0193. State ex rel. Jackson v. Donovan.

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

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

2018-0210. Quinn v. Lucas Cty. Prosecution Office.

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

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

2018-0224. State ex rel. Haddox v. Tone.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

2018-0236. State ex rel. Smucker v. Blackwell.

In Prohibition. On respondents' motion for judgment on pleadings and pursuant to S.Ct.Prac.R. 12.04. Motion granted. Cause dismissed. On relator's motion to correct clerk's refusal to file documents. Motion denied as moot.

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

2018-0241. State ex rel. Black v. Harsha.

Miscellaneous case. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2018-0242. Breneman v. Selvaggio.

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

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

2018-0245. Jacobs v. Smith.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0263. State ex rel. Lundeen v. State Med. Bd. of Ohio.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed. On relator's motion for alternative writ of prohibition. Motion denied.

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

2018-0275. Callahan v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0298. State ex rel. Newcomb v. Clipper.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0336. Brooks v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2013-0915. State v. Cepec.

Medina C.P. No. 10CR0588. On appellant's application for reopening under S.Ct.Prac. R. 11.06. Application denied.

2016-0696. State v. Apanovitch.

Cuyahoga App. Nos. 102618 and 102698, 2016-Ohio-2831. Sua sponte, parties ordered to file additional briefs addressing the following issues: (1) does Anthony Apanovitch's petition for postconviction relief satisfy any of the statutory exceptions for untimely and successive postconviction petitions provided in R.C. 2953.23(A), (2) if no statutory exception applies, did the trial court lack jurisdiction to consider the petition, and (3) if the trial court lacked jurisdiction to consider the petition, what is the proper disposition of this appeal?

The Ohio Attorney General, as amicus curiae, also may file a brief addressing these issues. All briefs shall be filed within 20 days and shall not exceed 15 numbered pages. No responsive briefs shall be permitted.

O'Donnell, J., dissents.

2017-0753. State ex rel. Langhenry v. Britt.

In Mandamus. On motion for attorneys' fees. Motion denied.

2017-1074. State v. Armengau.

Franklin App. No. 14AP-679, 2017-Ohio-4452. On motion requesting reopening of appeal. Motion denied.

2017-1195. State v. Agostini.

Warren App. Nos. CA2016-02-013 and CA2016-02-014, 2017-Ohio-4042. On motion for leave to vacate and to reinstate appeal. Motion denied.

2017-1502. State ex rel. Kerr v. Reger.

In Mandamus. On motion for vacation of judgment. Motion denied.

DeGenaro, J., dissents.

2018-0012. State v. Hitchcock.

Fairfield App. No. 16-CA-41, 2017-Ohio-8255. Sua sponte, cause no longer held for the decision in 2016-1848, *State v. Paige*, and stay of briefing lifted. The clerk shall issue an order for transmittal of the record from the court of appeals for

Fairfield County, and the parties shall brief this case in accordance with the Rules of Practice of this court.

2018-0111. State v. Davner.

Cuyahoga App. Nos. 104745 and 105144, 2017-Ohio-8862. On motion to set reasonable bail. Motion denied.

French, Fischer, and DeWine, JJ., dissent.

2018-0116. State v. Alhweiti.

Cuyahoga App. No. 105540, 2017-Ohio-8886. 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., dissents.

2018-0154. State v. James.

Jefferson App. No. 17 JE 0024. On motion for leave to file delayed appeal. Motion denied.

O'Donnell and Fischer, JJ., dissent.

DeGenaro, J., not participating.

2018-0171. State v. Blevins.

Cuyahoga App. No. 104704, 2017-Ohio-8225. On motion for leave to file delayed appeal. Motion denied.

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

2018-0194. State v. Cassidy.

Allen App. No. 1-17-03, 2017-Ohio-8351. On motion for leave to file delayed appeal. Motion denied.

DeWine and DeGenaro, JJ., dissent.

2018-0214. State v. Griffin.

Hamilton App. No. C-160828. On motion for leave to file delayed appeal. Motion denied.

O'Donnell, J., dissents.

Fischer, J., not participating.

2018-0217. State v. Harding.

Madison App. No. CA2016-11-029, 2017-Ohio-8930. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., dissents.

2018-0244. State v. Canales.

Cuyahoga App. No. 105514, 2017-Ohio-8735. On motion for leave to file delayed appeal. Motion denied.

2018-0260. State v. McDowell.

Hancock App. No. 5-17-01, 2017-Ohio-9249. On amended motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

French, J., dissents.

2018-0264. R.C. v. C.S.

Franklin App. No. 17AP-152, 2017-Ohio-8746. On motion for stay of judgment pending appeal. Motion denied.

2018-0267. State v. Williams.

Hamilton App. No. C-160336, 2017-Ohio-8898. On motion for leave to file delayed appeal. Motion denied.

DeWine and DeGenaro, JJ., dissent.

Fischer, J., not participating.

2018-0270. State v. Chandler.

Cuyahoga App. No. 105246, 2017-Ohio-8573. On motion for leave to file delayed appeal. Motion denied.

2018-0271. State v. Taylor.

Montgomery App. No. 27542, 2017-Ohio-8913. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2018-0278. State v. McCourt.

Mahoning App. No. 16 MA 0144, 2017-Ohio-9371. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., not participating.

2018-0283. State v. Johnson.

Champaign App. No. 17CA 14. On motion for leave to file delayed appeal. Motion denied.

2018-0300. State v. Johnson.

Mahoning App. No. 08-MA-144, 2009-Ohio-6760. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., not participating.

2018-0301. State v. Gordon.

Stark App. No. 2017CA00073, 2017-Ohio-9357. On motion for leave to file delayed appeal. Motion denied.

2018-0302. State v. Wright.

Jackson App. No. 16CA3, 2017-Ohio-8702. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

2018-0310. State v. DeBruce.

Summit App. No. 28233, 2016-Ohio-8280. On amended motion for leave to file delayed appeal. Motion denied.

2018-0312. State v. Davis.

Licking App. No. 17-CA-55. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 2 of the court of appeals' judgment entry filed February 13, 2018: "Is trial counsel's failure to file a motion to waive court costs at sentencing ineffective assistance of counsel when defendant has previously been found indigent?"

The conflict case is *State v. Springer*, 8th Dist. Cuyahoga No. 104649, 2017-Ohio-8861.

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the court of appeals for Licking County.

O'Donnell and DeWine, JJ., dissent.

2018-0332. State v. Grimes.

Montgomery App. No. 26636, 2017-Ohio-25. On motion for leave to file delayed appeal. Motion denied.

2018-0333. State v. Fricke.

Montgomery App. No. 26126, 2016-Ohio-2747. On motion for leave to file delayed appeal. Motion denied.

2018-0344. State v. Tucker.

Lorain App. Nos. 16CA010963 and 16CA010964, 2017-Ohio-4215. On motion for leave to file delayed appeal. Motion denied.

2018-0350. In re Adoption of B.I.

Hamilton App. No. C-170064, 2017-Ohio-9116. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 1 of the court of appeals' entry filed February 27, 2018: "In an adoption-consent case under R.C. 3107.07(A) in which a court has previously relieved a parent of any child-support obligation, does that previous order supersede any other duty of maintenance and support so as to provide 'justifiable cause' for the parent's failure to provide maintenance and support, therefore requiring the petitioner to obtain the consent of that parent?"

The conflict case is *In re Adoption of A.S.*, 5th Dist. Licking No. 10-CA-140, 2011-Ohio-1505.

Sua sponte, cause consolidated with 2018-0181, *In re Adoption of B.I.*, 2018-0182, *In re Adoption of B.I.*, and 2018-0351, *In re Adoption of B.I.*, and briefing in Nos. 2018-0181, 2018-0182, 2018-0350, and 2018-0351 consolidated. The parties shall file four originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include all case numbers on the cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

Kennedy, J., would also certify a conflict with *In re Adoption of Z.A.*, 5th Dist. Licking No. 16-CA-05, 2016-Ohio-3159.

Fischer and DeGenaro, JJ., dissent.

2018-0351. In re Adoption of B.I.

Hamilton App. No. C-170080, 2017-Ohio-9116. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 1 of the court of appeals' entry filed February 27, 2018: "In an adoption-consent case under R.C. 3107.07(A) in which a court has previously relieved a parent of any child-support obligation, does that previous order supersede any other duty of maintenance and support so as to provide 'justifiable cause' for the parent's failure to provide maintenance and support, therefore requiring the petitioner to obtain the consent of that parent?"

The conflict case is *In re Adoption of A.S.*, 5th Dist. Delaware No. 10-CA-140, 2011-Ohio-1505.

Sua sponte, cause consolidated with 2018-0181, *In re Adoption of B.I.*, 2018-0182, *In re Adoption of B.I.*, and 2018-0350, *In re Adoption of B.I.*, and briefing in Nos. 2018-0181, 2018-0182, 2018-0350, and 2018-0351 consolidated.

The parties shall file four originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include all case numbers on the cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

Kennedy, J., would also certify a conflict with *In re Adoption of Z.A.*, 5th Dist. Licking No. 16-CA-05, 2016-Ohio-3159.

Fischer and DeGenaro, JJ., dissent.

2018-0357. State v. Smith.

Delaware App. No. 17 CAA 05 0034. 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 French and DeWine, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2017-1649. Piazza v. Cuyahoga Cty.

Cuyahoga App. No. 104724, 2017-Ohio-8163.

O'Donnell, J., dissents.

DeGenaro, J., not participating

2017-1688. Vossman v. AirNet Systems, Inc.

Franklin App. No. 16AP-739, 2017-Ohio-2872.

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

2017-1691. State v. Christian.

Montgomery App. No. 27236, 2017-Ohio-8249.

Kennedy, French, and Fischer, JJ., dissent.

2017-1750. State v. Sally.

Hamilton App. No. C-170136. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

2017-1751. State v. Young.

Hamilton App. No. C-160915. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

2017-1753. State v. Jackson.

Hamilton App. No. C-160916. Sua sponte, cause held for the decision in 2017-

0087, *State v. Carnes*, and briefing schedule stayed.
Fischer, J., not participating.

2017-1758. State v. Pribble.

Adams App. No. 17CA1041, 2017-Ohio-8499.
Kennedy and Fischer, JJ., dissent.

2017-1778. State v. Amos.

Hamilton App. Nos. C-160717 and C-160718, 2017-Ohio-8448.
Kennedy and French, JJ., dissent.
Fischer, J., not participating

2018-0181. In re Adoption of B.I.

Hamilton App. No. C-170064, 2017-Ohio-9116. Discretionary appeal accepted. Sua sponte, cause consolidated with 2018-0182, *In re Adoption of B.I.*, 2018-0350, *In re Adoption of B.I.*, and 2018-0351, *In re Adoption of B.I.*, and briefing in Nos. 2018-0181, 2018-0182, 2018-0350, and 2018-0351 consolidated. The parties shall file four originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include all case numbers on the cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.
O'Connor, C.J., and O'Donnell, J., dissent in part and would accept the cause on proposition of law No. II only.

2018-0182. In re Adoption of B.I.

Hamilton App. No. C-170080, 2017-Ohio-9116. Discretionary appeal accepted. Sua sponte, cause consolidated with 2018-0181, *In re Adoption of B.I.*, 2018-0350, *In re Adoption of B.I.*, and 2018-0351, *In re Adoption of B.I.*, and briefing in Nos. 2018-0181, 2018-0182, 2018-0350, and 2018-0351 consolidated. The parties shall file four originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include all numbers on the cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.
O'Connor, C.J., and O'Donnell, J., dissent in part and would accept the cause on proposition of law No. II only.

APPEALS NOT ACCEPTED FOR REVIEW

2017-1177. State v. Sekulic.

Stark App. No. 2016CA00135, 2017-Ohio-4259.

2017-1288. State v. Robinson.

Summit App. No. 28488, 2017-Ohio-7380.

2017-1332. State v. Duvernay.

Allen App. No. 1-16-62, 2017-Ohio-4219.

2017-1619. State v. Howard.

Logan App. Nos. 8-17-01 and 8-17-09, 2017-Ohio-8020.

2017-1633. State ex rel. Ohio Academy of Nursing Homes, Inc. v. Dept. of Medicaid.

Franklin App. No. 16AP-102, 2017-Ohio-8000.

O'Donnell and Fischer, JJ., dissent.

2017-1637. State v. Taylor.

Cuyahoga App. No. 105322, 2017-Ohio-8066.

O'Donnell, J., dissents.

DeGenaro, J., not participating.

2017-1638. Cleveland v. Giering.

Cuyahoga App. No. 105020, 2017-Ohio-8059.

2017-1641. State v. Lusane.

Portage App. No. 2017-P-0005, 2017-Ohio-5653.

2017-1645. Hetrick v. Dept. of Agriculture.

Wood App. Nos. WD-16-061 and WD-16-062, 2017-Ohio-8118.

O'Donnell, J., dissents.

2017-1646. State v. Littlepage.

Hamilton App. No. C-170265.

Fischer and DeWine, JJ., not participating.

2017-1648. Cty. Charter Proposal Commt. of Petitioners v. Medina Cty. Bd. of Elections.

Medina App. No. 17CA0055-M.

2017-1661. Bd. of Trumbull Twp. Trustees v. Rickard.

Ashtabula App. Nos. 2016-A-0044 and 2016-A-0045, 2017-Ohio-8143.

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

2017-1665. Habegger v. Owens Community College.

Franklin App. Nos. 17AP-297 and 17AP-301, 2017-Ohio-8180.

2017-1667. State v. Hamilton.

Hamilton App. Nos. C-160247 and C-160248, 2017-Ohio-8140.

Fischer, J., not participating.

2017-1668. State v. Jackson.

Hamilton App. Nos. C-160438 and C-160761.

Fischer, J., not participating.

2017-1672. State v. Swiggett.

Trumbull App. No. 2015-T-0003, 2017-Ohio-8203.

2017-1675. State v. Manley.

Allen App. No. 01-17-06, 2017-Ohio-8271.

2017-1676. In re G.R.-Z.

Summit App. No. 28316, 2017-Ohio-8393.

DeGenaro, J., dissents and would accept the cause on proposition of law No. II.

2017-1677. State v. Watkins.

Cuyahoga App. No. 105625, 2017-Ohio-8322.

DeGenaro, J., not participating.

2017-1683. State v. Alexander.

Wood App. No. WD-17-015, 2017-Ohio-8506.

2017-1684. Blue Durham Properties, L.L.C. v. Krantz.

Cuyahoga App. Nos. 105236 and 105394, 2017-Ohio-8230.

Fischer, J., dissents.

2017-1685. State v. McDuffie.

Cuyahoga App. No. 105614, 2017-Ohio-8490.

2017-1686. State v. Brown.

Mahoning App. No. 17 MA 0149.

DeGenaro, J., not participating.

2017-1687. Zimpfer v. Roach.

Shelby App. No. 17-17-03, 2017-Ohio-8437.

2017-1689. Blue Durham Properties, L.L.C. v. Krantz.

Cuyahoga App. No. 105236, 2017-Ohio-8230.

2017-1692. State v. Jennings.

Cuyahoga App. No. 104626, 2017-Ohio-8224.

DeGenaro, J., not participating.

2017-1693. State v. Buck.

Hamilton App. No. C-160320, 2017-Ohio-8242.

Fischer, J., not participating.

2017-1698. State v. Bates.

Cuyahoga App. No. 105766, 2017-Ohio-8408.

2017-1704. State v. Dowdy.

Cuyahoga App. No. 105396, 2017-Ohio-8320.

2017-1710. State v. Crossty.

Clermont App. Nos. CA2017-01-003, CA2017-01-004, and CA2017-01-005, 2017-Ohio-8267.

2017-1719. State v. Lee.

Richland App. No. 17CR52.

2017-1720. State v. Mitchell.

Portage App. Nos. 2017-P-0007 and 2017-P-0009, 2017-Ohio-8440.

2017-1722. Sova v. Beauty Express Salons, Inc.

Hamilton App. No. C-170150.

2017-1723. Lakewood v. Collins.

Cuyahoga App. No. 105227, 2017-Ohio-8316. Appellant's motion to compel denied as moot.

2017-1727. State v. Wilson.

Montgomery App. No. 27481, 2017-Ohio-8498.

2017-1728. State v. Warman.

Licking App. No. 16-CA-30, 2017-Ohio-8994.

2017-1731. State v. Umstead.

Holmes App. No. 16 CA 004, 2017-Ohio-8756.

2017-1733. State v. Moore.

Franklin App. Nos. 17AP-108 and 17AP-109, 2017-Ohio-8328.
French and Fischer, JJ., dissent.

2017-1736. State v. Farmer.

Cuyahoga App. No. 106370.

2017-1746. Deitz v. Deitz.

Union App. No. 14-17-05, 2017-Ohio-8354.

2017-1747. State v. Crossty.

Hamilton App. No. C-170085, 2017-Ohio-8382.
Fischer, J., not participating.

2017-1749. Meek v. Geneva.

Tuscarawas App. No. 2017 AP 01 0001, 2017-Ohio-7975.

2017-1754. State v. Settles.

Seneca App. No. 13-17-09, 2017-Ohio-8353.

2017-1755. Dilley v. Dilley.

Geauga App. No. 2017-G-0115, 2017-Ohio-8439.

2017-1757. CitiMortgage, Inc. v. Elrod.

Portage App. No. 2017-P-0022, 2017-Ohio-8442.

2017-1760. State v. Alston.

Lorain App. No. 17CA011146, 2017-Ohio-8616.

2017-1762. State v. Howard.

Cuyahoga App. No. 105327, 2017-Ohio-8734.
O'Donnell, J., dissents.
DeGenaro, J., not participating.

2017-1763. McFarland v. Niekamp, Weisensell, Mutersbaugh & Mastrantonio, L.L.P.

Summit App. No. 28462, 2017-Ohio-8394.

2017-1764. Root v. Stahl Scott Fetzer Co.

Cuyahoga App. No. 104172, 2017-Ohio-8398.

2017-1765. State v. West.

Summit App. No. 28668, 2017-Ohio-8474.

2017-1768. State v. Walker.

Richland App. Nos. 17-CA-32 and 17-CA-53, 2017-Ohio-8566.

2017-1770. State v. Bindus.

Cuyahoga App. No. 105858, 2017-Ohio-8583.

2017-1772. Conley v. State.

Licking App. No. 17-CA-7, 2017-Ohio-8445.

O'Donnell and Fischer, JJ., dissent.

2017-1773. State v. Harris.

Greene App. No. 2017-CA-19, 2017-Ohio-8419.

2017-1774. State v. Bradford.

Cuyahoga App. No. 105217, 2017-Ohio-8481.

2017-1775. Rusin v. Buehrer.

Hamilton App. No. C-160772, 2017-Ohio-8411.

O'Donnell, J., dissents.

Fischer, J., not participating.

2017-1777. Pappas v. FM2, L.L.C.

Franklin App. No. 17AP-258, 2017-Ohio-8548.

Kennedy, J., not participating.

2017-1779. Burkhart v. Miley.

Monroe App. Nos. 15 MO 0012, 15 MO 0013, and 15 MO 0014, 2017-Ohio-9006.

Fischer, J., dissents.

DeGenaro, J., not participating.

2017-1780. State v. Osborn.

Cuyahoga App. No. 105196, 2017-Ohio-8228.
DeGenaro, J., not participating.

2017-1785. State v. Reinbolt.

Marion App. No. 9-17-38.

2017-1786. Auto Site v. Matthews.

Portage App. No. 2017-P-0019, 2017-Ohio-8441.
O'Donnell, J., dissents.

2017-1788. Hawkins v. State.

Franklin App. No. 15AP-979, 2016-Ohio-8016.

2017-1791. Gebi v. Worku.

Franklin App. No. 17AP-75, 2017-Ohio-8462.

2017-1792. Estate of Brummitt v. Ohio Mut. Ins. Group.

Erie App. No. E-17-014, 2017-Ohio-8507.
O'Donnell and Fischer, JJ., dissent.

2017-1794. State v. Clayton.

Warren App. No. CA2017-01-009, 2017-Ohio-8538.

2017-1797. State v. McSwain.

Cuyahoga App. No. 105451, 2017-Ohio-8489.

2017-1798. State v. Davis.

Cuyahoga App. No. 105129, 2017-Ohio-8479.
O'Donnell, J., dissents.
DeGenaro, J., not participating.

2017-1799. Black v. State.

Ashland App. No. 17-COA-018, 2017-Ohio-8822.

2017-1800. State v. Bullocks.

Hamilton App. No. C-170600.

2017-1801. Internatl. Total Servs., Inc. v. Nichols.
Cuyahoga App. No. 105182.

2017-1803. State v. Sowards.
Gallia App. No. 17CA13, 2017-Ohio-8568.

2017-1804. State v. Walker.
Athens App. No. 16CA26, 2017-Ohio-8814.

2017-1807. State v. Ward.
Crawford App. No. 3-17-02, 2017-Ohio-8518.

2017-1810. State v. Carter.
Allen App. No. 1-17-55.

2017-1811. Phillips v. Wilkinson.
Franklin App. No. 17AP-231, 2017-Ohio-8505.

2017-1812. State v. Durant.
Cuyahoga App. No. 105235, 2017-Ohio-8482.
French, J., dissents.

2017-1813. State v. Colon.
Cuyahoga App. No. 104944, 2017-Ohio-8478.
DeGenaro, J., not participating.

2017-1816. State v. Alex.
Ashtabula App. No. 2016-A-0055, 2017-Ohio-8527.

2017-1821. Trumbull Cty. Bd. of Commrs. v. Gatti.
Trumbull App. No. 2017-T-0027, 2017-Ohio-8533. Appellees' motion to strike denied as moot.
French, J., dissents in part and would grant appellees' motion to strike.
DeGenaro, J., not participating.

2017-1824. State v. Bramley.
Medina App. No. 17CA0033-M, 2017-Ohio-8512.
O'Donnell, J., dissents.

2018-0004. Dickson v. Gorski.

Cuyahoga App. No. 105779, 2017-Ohio-8582.
O'Donnell, J., dissents.

2018-0007. In re Estate of Shoemaker.

Adams App. No. 17CA1039, 2017-Ohio-8699.
O'Donnell, J., dissents.

2018-0008. State v. Tabor.

Jackson App. No. 16CA9, 2017-Ohio-8656.
Fischer, J., dissents.

2018-0011. State v. Wiewall.

Franklin App. No. 16AP-33, 2016-Ohio-5154.

2018-0015. State v. Walsh.

Hamilton App. No. C-160763.
Fischer, J., not participating.

2018-0018. Plank v. Bellefontaine.

Logan App. No. 8-17-18, 2017-Ohio-8623.
O'Donnell, J., dissents.

2018-0020. Agrawal v. Univ. of Cincinnati.

Franklin App. No. 16AP-293, 2017-Ohio-8644.

2018-0021. King v. Dept. of Job & Family Servs.

Summit App. No. 28816.

2018-0025. State v. Fairchild.

Mahoning App. No. 17 MA 0095, 2017-Ohio-9075.
DeGenaro, J., not participating.

2018-0026. Mavroudis v. Dept. of Rehab. & Corr.

Franklin App. No. 17AP-430, 2017-Ohio-8649.
Fischer, J., dissents.
DeGenaro, J., not participating.

2018-0031. State v. Moon.

Cuyahoga App. No. 105331, 2017-Ohio-8661.

2018-0034. State v. Cordoba.

Fulton App. No. F-16-001, 2017-Ohio-8671.

2018-0037. Clean Energy Future, L.L.C. v. Clean Energy Future-Lordstown, L.L.C.

Trumbull App. No. 2017-T-0110, 2017-Ohio-9350. Appellee's motion for protective order granted.

O'Donnell, J., dissents in part and would accept the cause.

DeGenaro, J., not participating.

2018-0043. State v. Smith-Riley.

Hamilton App. Nos. C-160808 and C-160829.

Fischer, J., not participating.

2018-0060. Francis v. State.

Ashtabula App. No. 2017-A-0026, 2017-Ohio-8804.

2018-0063. State v. Meyerson.

Summit App. No. 28549, 2017-Ohio-8726.

2018-0071. State v. Tyree.

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

2018-0074. State v. Walkup.

Morgan App. No. 17AP0006, 2017-Ohio-8900.

2018-0079. State v. Russell.

Franklin App. No. 03AP-666.

2018-0082. State v. Aldrich.

Ashtabula App. No. 2017-A-0033, 2017-Ohio-8944.

2018-0098. State v. Scoggins.

Scioto App. No. 16CA3767, 2017-Ohio-8989.

2018-0121. State v. Young.

Franklin App. No. 15AP-1144, 2017-Ohio-9028.

2018-0124. State v. Veley.

Lucas App. No. L-16-1038, 2017-Ohio-9064.

2018-0131. State v. Wynn.

Cuyahoga App. No. 103824, 2017-Ohio-9151.

DeGenaro, J., not participating.

2018-0133. State v. Gomez.

Mahoning App. No. 17 MA 0001, 2017-Ohio-9072.

2018-0157. State v. Wauer.

Trumbull App. No. 2016-T-0043, 2017-Ohio-1337.

2018-0209. State v. Blankenship.

Delaware App. No. 16 CAA 06 0024.

2018-0265. State v. Anderson.

Cuyahoga App. No. 104460, 2018-Ohio-82. Appellant's motions for discovery and for transcripts denied as moot.

2018-0320. State v. Scott.

Cuyahoga App. No. 103696, 2018-Ohio-160.

2018-0356. In re M.A.

Monroe App. No. 17 MO 0004, 2018-Ohio-209.

DeGenaro, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2013-2026. In re Rev. of Alternative Energy Rider Contained in Tariffs of Ohio Edison Co.

Public Utilities Commission, No. 11-5201-EL-RDR. Reported at __ Ohio St.3d __, 2018-Ohio-229, __ N.E.3d __. On appellees/cross-appellants' joint motion for reconsideration. Motion denied.

2014-0273. State v. Clinton.

Erie App. No. 2012-CR-383. Reported at __ Ohio St.3d __, 2017-Ohio-9423, __ N.E.3d __. On appellant's motion for reconsideration. Motion denied.

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

In Mandamus. Reported at 151 Ohio St.3d 594, 2017-Ohio-8368, 91 N.E.3d 732. On relator's motion for reconsideration. Motion denied.

2016-0704. Koprivec v. Rails-to-Trails of Wayne Cty.

Wayne App. No. 15AP0006, 2016-Ohio-1141. Reported at __ Ohio St.3d __, 2018-Ohio-465, __ N.E.3d __. On appellees/cross-appellants' motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2016-1115. State ex rel. Cincinnati Enquirer v. Pike Cty. Coroner's Office.

In Mandamus. Reported at __ Ohio St.3d __, 2017-Ohio-8988, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

Frank D. Celebrezze Jr., J., of the Eighth District Court of Appeals, sitting for French, J.

Robin N. Piper, J., of the Twelfth District Court of Appeals, sitting for DeWine, J.

2016-1153. State ex rel. GateHouse Media Ohio Holdings II, Inc. v. Pike Cty. Coroner's Office.

In Mandamus. Reported at __ Ohio St.3d __, 2017-Ohio-8988, __ N.E.3d __. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

Frank D. Celebrezze Jr., J., of the Eighth District Court of Appeals, sitting for French, J.

Robin N. Piper, J., of the Twelfth District Court of Appeals, sitting for DeWine, J.

2016-1348. Capital Care Network of Toledo v. Dept. of Health.

Lucas App. No. L-15-1186, 2016-Ohio-5168. Reported at __ Ohio St.3d __, 2018-Ohio-440, __ N.E.3d __. On motion for reconsideration. Motion denied.

2017-0604. State ex rel. Richland Cty. Children Servs. v. Richland Cty. Court of Common Pleas.

In Prohibition and Mandamus. Reported at __ Ohio St.3d __, 2017-Ohio-9160, __ N.E.3d __. On motion for reconsideration or, in the alternative, clarification. Motion denied.

2017-0691. State v. Parsons.

Henry App. No. 7-16-08, 2017-Ohio-1315. Reported at 151 Ohio St.3d 1503, 2018-Ohio-365, 90 N.E.3d 946. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion and hold the cause for the decision in *Collins v. Virginia*, United States Supreme Court Case No. 16-1027, *see* ___ U.S. ___, 138 S.Ct. 53 (Mem.), 198 L.Ed.2d 780.

2017-0711. Dibert v. Carpenter.

Champaign App. No. 2015-CA-18, 2017-Ohio-689. Reported at 151 Ohio St.3d 1503, 2018-Ohio-365, 90 N.E.3d 946. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents and would grant the motion for reconsideration as to proposition of law No. II.

2017-0782. Park View Fed. Savs. Bank v. Nader.

Medina App. No. 16CA0004-M, 2017-Ohio-1482. Reported at 151 Ohio St.3d 1485, 2018-Ohio-158, 89 N.E.3d 620. On motion for reconsideration. Motion denied.

2017-0858. Clarkwestern Dietrich Bldg. Systems, L.L.C. v. Certified Steel Stud Assn., Inc.

Butler App. No. CA2016-06-113, 2017-Ohio-2713. Reported at 151 Ohio St.3d 1506, 2018-Ohio-365, 90 N.E.3d 948. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2017-0865. Gentile v. Turkoly.

Mahoning App. No. 16 MA 0071, 2017-Ohio-2959. Reported at 151 Ohio St.3d 1506, 2018-Ohio-365, 90 N.E.3d 948. On motion for reconsideration. Motion denied. On appellee's motion to strike. Motion denied as moot.

O'Donnell, J., dissents and would grant the motion for reconsideration and deny the motion to strike.

DeGenaro, J., not participating.

2017-0875. State v. Stewart.

Miami App. No. 2016-CA-13, 2017-Ohio-2785. Reported at 151 Ohio St.3d 1506, 2018-Ohio-365, 90 N.E.3d 948. On motion for reconsideration. Motion denied.

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

2017-0930. State v. Whites Landing Fisheries, L.L.C.

Erie App. No. E-16-065, 2017-Ohio-4021. Reported at 151 Ohio St.3d 1507, 2018-Ohio-365, 90 N.E.3d 948. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2017-1051. State v. Filip.

Medina App. No. 16CA0049-M, 2017-Ohio-5622. Reported at 151 Ohio St.3d 1510, 2018-Ohio-365, 90 N.E.3d 950. On motion for reconsideration. Motion denied.

2017-1277. Martens v. Findlay.

Hancock App. No. 5-17-20. Reported at 151 Ohio St.3d 1511, 2018-Ohio-365, 90 N.E.3d 951. On motion for reconsideration. Motion denied.

2017-1286. Hillman v. O'Shaughnessy.

Franklin App. No. 16AP-521. Reported at 151 Ohio St.3d 1512, 2018-Ohio-365, 90 N.E.3d 951. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2017-1318. McKee v. McCann.

Cuyahoga App. No. 104956, 2017-Ohio-7181. Reported at 151 Ohio St.3d 1512, 2018-Ohio-365, 90 N.E.3d 951. On motion for reconsideration. Motion denied.

DeGenaro, J., not participating.

2017-1400. Cleveland v. Brown.

Cuyahoga App. No. 105606. Reported at 151 Ohio St.3d 1513, 2018-Ohio-365, 90 N.E.3d 952. On motion for reconsideration. Motion denied.

2017-1566. State ex rel. Thomas v. Disanto.

Lake App. No. 2016-L-110, 2017-Ohio-7292. Reported at 151 Ohio St.3d 1515, 2018-Ohio-365, 90 N.E.3d 952. On motion for reconsideration. Motion denied.

2017-1690. State v. Pelmeear.

Fulton App. Nos. F-16-009 and F-16-010. Reported at 151 Ohio St.3d 1516, 2018-Ohio-365, 90 N.E.3d 953. On "motion for reconsideration and new fraud upon the court." Motion denied. On motion for jury demand and demand for full discovery. Motions denied as moot.