

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 9, 2018

[Cite as *05/09/2018 Case Announcements*, 2018-Ohio-1795.]

MERIT DECISIONS WITH OPINIONS

2017-0039. In re Adoption of M.G.B.-E., Slip Opinion No. 2018-Ohio-1787.

Clinton App. No. CA2016-06-017, 2016-Ohio-7912. Judgment reversed.

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

O'Donnell, J., dissents, with an opinion joined by DeWine, J.

Mark L. Pietrykowski, J., of the Sixth District Court of Appeals, sitting for O'Neill, J.

MERIT DECISIONS WITHOUT OPINIONS

2014-1290. In re Comm. Rev. of Ohio Adm.Code Chapter 4901:1-10.

Public Utilities Commission, No. 12-2050-EL-ORD. On responses to show-cause order. Cause dismissed.

2014-1633. In re Comm. Rev. of Ohio Adm.Code Chapter 4901:1-10.

Public Utilities Commission, No. 12-2050-EL-ORD On responses to show-cause order. Cause dismissed.

2017-1699. Orr v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0299. State ex rel. Taylor v. Leffler.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

2018-0314. State ex rel. Blankenship v. Robinson.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

2018-0322. State ex rel. Suntoke v. Gwin.

In Mandamus and Procedendo. On motion to dismiss. Motion granted. Cause dismissed.

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

2018-0334. Hill v. Navarre.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

2018-0390. State ex rel. Hayes v. Sloan.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

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

2018-0409. Stroud v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0413. In re Pianowski.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-0463. Barnes 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

2017-1670. State ex. rel. Jackson v. Brush.

In Mandamus and Prohibition. On motion for relief from judgment. Motion denied.

2018-0391. State v. McCain.

Montgomery App. No. 27195, 2017-Ohio-7518. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

2018-0396. State v. Fhiaras.

Cuyahoga App. No. 97740. On motion for leave to file delayed appeal. Motion denied.

O'Donnell and Fischer, JJ., dissent.

2018-0403. State v. Roberts.

Cuyahoga App. No. 104474, 2017-Ohio-9014. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

2018-0411. State v. Franklin.

Hamilton App. No. C-160486. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

2018-0419. State v. Johnson.

Franklin App. Nos. 16AP-860, 16AP-868, and 16AP-869, 2017-Ohio-9286. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and DeWine, JJ., dissent.

2018-0421. State v. Zeigler.

Hamilton App. No. C-160428, 2017-Ohio-7673. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

2018-0431. State v. Harris.

Cuyahoga App. No. 104833, 2017-Ohio-2985. On motion for leave to file delayed appeal. Motion denied.

2018-0432. State v. Raphael.

Warren App. No. CA2017-01-010, 2018-Ohio-140. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and DeGenaro, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2018-0042. State v. Ortiz.

Cuyahoga App. No. 105301, 2017-Ohio-9157. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

French, J., dissents.

2018-0081. State v. Walker.

Ashland App. No. 17-COA-016, 2017-Ohio-811. Motion to hold appeal in abeyance granted. Cause held for the decision in 2017-1122, *State v. Gordon*, and briefing schedule stayed.

Kennedy, French, and DeWine, JJ., dissent.

2018-0092. State v. Herron.

Montgomery App. No. 27378, 2017-Ohio-8908. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

2018-0097. Cleveland v. State.

Cuyahoga App. No. 105500, 2017-Ohio-8882.

2018-0125. Gembarski v. PartsSource, Inc.

Portage App. No. 2016-P-0077, 2017-Ohio-8940.

DeGenaro, J., dissents.

2018-0146. State v. Craig.

Hamilton App. No. C-160816, 2017-Ohio-8962.

Fischer, J., not participating.

2018-0166. State v. Jones.

Stark App. No. 2017CA00064, 2017-Ohio-9119. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

2018-0183. State v. Buttery.

Hamilton App. No. C-160609, 2017-Ohio-9113. Cause accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2017-0087, *State v. Carnes*, and briefing schedule stayed.

O'Connor, C.J., and DeGenaro, J., would also accept the cause on proposition of law No. III and hold the cause for the decision in 2017-1778, *State v. Amos*.

DeWine, J., dissents.

Fischer, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2017-1462. State v. Powell.

Summit App. No. 28170, 2017-Ohio-5629.

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

2017-1501. State v. Holton.

Logan App. No. 8-17-02, 2017-Ohio-6934.

2017-1671. Irvin v. Eichenberger.

Franklin App. No. 16AP-657, 2017-Ohio-5601.

2017-1815. State v. Smith.

Hamilton App. Nos. C-160836 and C-160837, 2017-Ohio-8558.

Fischer, J., not participating.

2017-1819. U.S. Bank Natl. Assn. v. Surrey Medwick Acquisition, L.L.C.

Medina App. No. 16CA0088-M.

O'Donnell, J., dissents and would hold the cause for the decision in 2017-1377, *Farmers State Bank v. Sponaugle*.

DeGenaro, J., dissents and would accept the cause on proposition of law No. I and hold the cause for the decision in 2017-1377, *Farmers State Bank v. Sponaugle*.

2017-1825. State v. Glenn.

Preble App. No. CA2017-10-012.

2018-0002. Lemons v. State.

Cuyahoga App. No. 104481, 2017-Ohio-8584.

O'Donnell, J., dissents and would accept the cause on proposition of law No. II.

Kennedy and Fischer, JJ., dissent.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeGenaro, J.

2018-0003. State v. Hammond.

Cuyahoga App. No. 105297, 2017-Ohio-8574.

2018-0005. Dickson v. Dickson.

Cuyahoga App. No. 105318, 2017-Ohio-8576.

2018-0006. Woods Cove III, L.L.C. v. Eakin.

Cuyahoga App. No. 106161. Appellants' motion to strike and objections to response denied as moot.

2018-0009. Shampine v. Lee.

Cuyahoga App. No. 106473.

2018-0010. Shampine v. Johnson.

Cuyahoga App. No. 106403.

2018-0017. Rudzik Excavating, Inc. v. Mahoning Valley Sanit. Dist.

Trumbull App. No. 2017-T-0008, 2017-Ohio-8630.

2018-0023. State v. Feltha.

Hamilton App. No. C-160574.

Fischer, J., not participating.

2018-0027. Kurtock v. Cleveland Bd. of Zoning Appeals.

Cuyahoga App. No. 105755, 2017-Ohio-8890.

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

DeGenaro, J., not participating.

2018-0030. Luck v. Klayman.

Cuyahoga App. No. 105239, 2017-Ohio-8231.

DeGenaro, J., not participating.

2018-0036. State v. Pishner.

Portage App. No. 2017-P-0004, 2017-Ohio-8689.

2018-0044. State v. Clark.

Hamilton App. No. C-170021.

2018-0046. State v. Myers.

Wood App. No. WD-17-044.

2018-0047. State v. Crum.

Stark App. No. 2017CA00129, 2017-Ohio-9000.

2018-0051. State v. Pryor.

Allen App. No. 1-17-20, 2017-Ohio-8935.

2018-0052. Stachura v. Toledo.

Lucas App. Nos. L-16-1310, L-16-1315, and L-16-1316, 2017-Ohio-8772.

2018-0053. State v. Haynie.

Muskingum App. No. CT2017-0046, 2017-Ohio-8829.

2018-0055. State v. Woltz.

Athens App. No. 17CA20, 2017-Ohio-9042.

Kennedy, J., dissents.

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

2018-0057. Mims v. Univ. of Toledo Med. Ctr.

Franklin App. No. 17AP-203, 2017-Ohio-8979.

2018-0058. Sun Bldg. Ltd. Partnership v. Value Learning & Teaching Academy, Inc.

Hamilton App. Nos. C-160789 and C-160793, 2017-Ohio-8727.

Fischer, J., not participating.

2018-0061. McNair v. Brecksville.

Cuyahoga App. No. 104706, 2017-Ohio-7401.

Kennedy, J., dissents.

DeGenaro, J., not participating.

2018-0062. State v. Nardiello.

Seneca App. No. 13-17-21.

Fischer, J., dissents.

2018-0064. BMI Fed. Credit Union v. Charlton.

Franklin App. No. 16AP-390, 2017-Ohio-8744.

2018-0065. Findlay v. Martens.

Hancock App. Nos. 05-17-34, 05-17-35, 05-17-36, and 05-17-37. Appellant's motion to consolidate appellate cases denied as moot.

2018-0067. In re D.M.

Lucas App. Nos. L-16-1237 and L-16-1238, 2017-Ohio-8768.

2018-0070. Sidney v. Spring Creek Corp.

Shelby App. No. 17-17-07, 2017-Ohio-8785.

O'Donnell, J., dissents.

2018-0076. State v. Wertz.

Montgomery App. No. 27376, 2017-Ohio-8766.

Kennedy, J., dissents.

2018-0077. State v. O'Neal.

Fairfield App. Nos. 16-CA-35 and 16-CA-37, 2017-Ohio-8755.

2018-0078. Meinert Plumbing v. Warner Industries, Inc.

Cuyahoga App. No. 104817, 2017-Ohio-8863.

2018-0084. State v. Hood.

Monroe App. No. 17 MO 0002, 2017-Ohio-8920.

DeGenaro, J., not participating.

2018-0086. State v. Pablo.

Franklin App. No. 16AP-888, 2017-Ohio-8834.

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

2018-0087. State v. B.J.T.

Warren App. No. CA2016-12-106, 2017-Ohio-8797.

2018-0088. Osten v. Bur. of Workers' Comp.

Montgomery App. No. 27583, 2017-Ohio-9315.

O'Donnell, J., dissents.

2018-0089. State v. Merkle.

Geauga App. No. 2016-G-0103, 2017-Ohio-8802.
Fischer, J., dissents.

2018-0090. Bringman v. McGann.

Knox App. No. 17 CA 000006, 2017-Ohio-8153.

2018-0093. State v. Brantley.

Trumbull App. No. 2017-T-0017, 2017-Ohio-8810.

2018-0094. Cleveland Hearing & Balance Ctr., Inc. v. Northeast Ohio Med. Univ.

Franklin App. No. 17AP-334, 2017-Ohio-8838.

2018-0095. State v. Gomez.

Franklin App. No. 16AP-560, 2017-Ohio-8832.

2018-0101. State v. Springer.

Cuyahoga App. No. 104649, 2017-Ohio-8861.

2018-0102. State v. Carter.

Summit App. No. 27717, 2017-Ohio-8847.

2018-0103. State v. Patterson.

Stark App. No. 2017CA00153, 2017-Ohio-9001. Appellant's motion to correct a previously filed document granted.

2018-0105. State v. Barnette.

Mahoning App. No. 17 MA 0027, 2017-Ohio-9074.
DeGenaro, J., not participating.

2018-0109. State v. Davis.

Cuyahoga App. No. 105299, 2017-Ohio-8873.

2018-0110. Grieser v. Janis.

Franklin App. No. 17AP-3, 2017-Ohio-8896.

2018-0111. State v. Davner.

Cuyahoga App. Nos. 104745 and 105144.
O'Donnell, J., dissents.

2018-0112. State v. Bush.

Gallia App. No. 17CA12.

2018-0113. Henricksen v. Henricksen.

Mahoning App. No. 16 MA 100.

2018-0114. HDV Cleveland, L.L.C. v. Ohio Liquor Control Comm.

Franklin App. No. 17AP-362, 2017-Ohio-9032.

French, Fischer, and DeGenaro, JJ., dissent.

W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for O'Donnell, J.

2018-0117. Calhoun v. Calhoun.

Cuyahoga App. No. 106514.

2018-0119. State v. Craig.

Lake App. No. 2016-L-113, 2017-Ohio-8939.

2018-0122. State v. Payton.

Fayette App. No. CA2017-05-009.

2018-0123. State v. Potee.

Clermont App. No. CA2016-06-045, 2017-Ohio-2926.

2018-0126. Allen v. 5125 Penno, L.L.C.

Trumbull App. No. 2016-T-0120, 2017-Ohio-8941.

2018-0127. State v. Thompson.

Columbiana App. No. 16 CO 0031, 2017-Ohio-9044.

DeGenaro, J., not participating.

2018-0130. Young v. Kaufman.

Cuyahoga App. Nos. 104990 and 105359, 2017-Ohio-9015.

O'Donnell and Fischer, JJ., dissent.

2018-0136. State v. Bell.

Hamilton App. No. C-160608, 2017-Ohio-8959.

Fischer, J., not participating.

2018-0137. Founders Ins. Co. v. Gurung.

Summit App. Nos. 28505 and 28511, 2017-Ohio-8983.

2018-0138. State v. Macksyn.

Stark App. No. 2017CA00158, 2017-Ohio-9120.

2018-0139. State v. Haywood.

Summit App. No. 28040, 2017-Ohio-8299.

2018-0141. Emmerling v. Mahoning Cty. Bd. of Commrs.

Mahoning App. No. 15 MA 0165, 2017-Ohio-9066.

O'Donnell, J., dissents.

DeGenaro, J., not participating.

2018-0142. Cuyahoga Metro. Hous. Auth. v. Rabb.

Cuyahoga App. No. 105384, 2017-Ohio-9017.

2018-0143. Paczko v. Dept. of Job & Family Servs.

Cuyahoga App. No. 105783, 2017-Ohio-9024.

DeGenaro, J., not participating.

2018-0145. State v. Pierce.

Montgomery App. No. 27543, 2017-Ohio-9058.

2018-0149. State v. Barber.

Franklin App. No. 16AP-172, 2017-Ohio-9257.

2018-0151. Arias v. State.

Hamilton App. No. C-160661, 2017-Ohio-8961.

French, J., dissents.

Fischer, J., not participating.

2018-0153. State v. Chandler.

Stark App. No. 2017CA00053, 2017-Ohio-9279.

2018-0155. State v. McBride.

Trumbull App. No. 2017-T-0050, 2017-Ohio-9349.

2018-0156. State v. Martin.

Hamilton App. No. C-170139.

2018-0165. State v. Vargas.

Cuyahoga App. No. 105680, 2017-Ohio-9177.

2018-0168. Philbin v. Cleveland.

Cuyahoga App. No. 105356, 2017-Ohio-9162.

O'Donnell, J., dissents.

2018-0169. State v. Ross.

Scioto App. No. 16CA3774.

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

2018-0175. Maumee Watershed Conservancy Dist. v. Putnam Soil & Water Conservation.

Putnam App. Nos. 12-17-06 and 12-17-07, 2017-Ohio-9086.

2018-0176. Bluemile, Inc. v. Atlas Indus. Contractors, Ltd.

Franklin App. Nos. 16AP-789 and 16AP-791. First and second appeals not accepted.

Fischer, J., dissents.

2018-0177. State v. Hernandez.

Hamilton App. No. C-170131.

2018-0180. State v. Roberts.

Wayne App. No. 16AP0030, 2017-Ohio-9079.

2018-0190. State v. Creech.

Scioto App. No. 16CA3730, 2017-Ohio-6951.

2018-0191. Moore v. Russo.

Cuyahoga App. No. 105448, 2017-Ohio-9166.

2018-0195. State v. Russell.

Clark App. No. 2011-CA-10.

2018-0197. State v. Ham.

Hamilton App. No. C-170043, 2017-Ohio-9189.

O'Donnell, J., dissents.

2018-0198. Wynveen v. Corsaro.

Cuyahoga App. No. 105538, 2017-Ohio-9170.

O'Donnell and Fischer, JJ., dissent.

2018-0204. State v. Wallace.

Hamilton App. No. C-160613, 2017-Ohio-9187.

Fischer, J., not participating.

2018-0216. State v. Justen.

Cuyahoga App. No. 105856, 2018-Ohio-101.

2018-0219. State v. Minich.

Lake App. No. 2016-L-077, 2017-Ohio-9262.

2018-0221. State v. Guice.

Lorain App. No. 16CA011054, 2017-Ohio-9295.

2018-0222. Hand & Hand MRDD Residential Servs., Inc. v. Dept. of Dev. Disabilities.

Franklin App. No. 17AP-116, 2017-Ohio-9287.

2018-0235. State v. Cashin.

Franklin App. No. 17AP-338, 2017-Ohio-9289.

2018-0238. State v. Walker.

Hamilton App. No. C-150757, 2017-Ohio-9255.

Fischer, J., not participating.

2018-0248. State v. Binford.

Cuyahoga App. No. 105414, 2018-Ohio-90.

2018-0261. State v. Jackson.

Cuyahoga App. No. 106650.

2018-0274. State v. Reynolds.

Lucas App. No. L-16-1080, 2018-Ohio-40.

2018-0280. State v. Hillman.

Franklin App. No. 17AP-256, 2017-Ohio-8217.

2018-0281. State v. Watkins.

Butler App. No. CA2017-05-066, 2018-Ohio-45.

2018-0286. State v. Thompson.

Cuyahoga App. No. 105866, 2018-Ohio-179.

2018-0287. State v. Warman.

Licking App. No. 16-CA-30.

2018-0288. State v. Horton.

Muskingum App. No. CT2015-0054.

2018-0316. State v. Hendershot.

Morgan App. No. 16AP0011.

2018-0341. State v. Wilson.

Delaware App. No. 16-CAA-08-0035.

2018-0372. State v. Martin.

Montgomery App. No. 27220.

2018-0384. In re J.F.

Cuyahoga App. No. 105504, 2018-Ohio-96.

2018-0400. In re A.K.

Cuyahoga App. No. 105426, 2017-Ohio-9165.

French and Fischer, JJ., dissent and would accept the cause on proposition of law No. III.

2018-0442. In re K.J.

Franklin App. No. 17AP-500, 2018-Ohio-471.

RECONSIDERATION OF PRIOR DECISIONS

2017-1290. Fowler v. Dept. of Pub. Safety, Bur. of Motor Vehicles.

Franklin App. No. 16AP-867. Reported at 152 Ohio St.3d 1409, 2018-Ohio-723, 92 N.E.3d 880. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2017-1330. Michael A. Shore Co., L.P.A. v. Estate of Hards.

Geauga App. No. 2015-G-0038, 2017-Ohio-7123. Reported at 152 Ohio St.3d 1409, 2018-Ohio-723, 92 N.E.3d 880. On motion for reconsideration. Motion denied.

2017-1809. State v. Sibrian.

Montgomery App. No. 27041, 2017-Ohio-2613. Reported at 152 Ohio St.3d 1411, 2018-Ohio-723, 92 N.E.3d 881. On motion for reconsideration. Motion denied.

2017-1827. State ex rel. Dillingham v. Spaeth.

In Procedendo. Reported at 152 Ohio St.3d 1403, 2018-Ohio-723, 92 N.E.3d 875. On motion for reconsideration. Motion denied.

2018-0072. State v. Potts.

Trumbull App. No. 95-T-5182. Reported at 152 Ohio St.3d 1425, 2018-Ohio-923, 93 N.E.3d 1005. On motion for reconsideration. Motion denied.

PETITIONS TO TRANSFER

2018-0317. Angela Karapetyan, L.L.C. v. Butler Cty. Bd. of Revision.

Butler App. No. CA 18 01 0019 and Board of Tax Appeals, No. 2016-1477. On appellant's petition to transfer jurisdiction. Petition denied pursuant to S.Ct.Prac.R. 10.01(E)(3).

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