

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 10, 2018

[Cite as *05/10/2018 Case Announcements*, 2018-Ohio-1820.]

MERIT DECISIONS WITH OPINIONS

2016-1742. *State v. Upkins*, Slip Opinion No. 2018-Ohio-1812.

Shelby App. No. 17-16-04. Cause dismissed as improvidently accepted.

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

Fischer, J., dissents, with an opinion joined by French, J.

Cynthia Westcott Rice, J., of the Eleventh District Court of Appeals, sitting for O'Neill, J.

MOTION AND PROCEDURAL RULINGS

2017-0915. *State v. Romero*.

Stark App. No. 2016CA00201, 2017-Ohio-2950. On appellee's motion to appoint the Office of the Ohio Public Defender as counsel. Motion granted.

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 respondent's motion for leave to file response to amicus brief. Motion granted. The response attached to respondent's motion is deemed filed.

2017-1463. *State v. Martin*.

Trumbull App. Nos. 2016-T-0103 and 2016-T-0104, 2017-Ohio-7453. On appellee's motion to appoint the Office of the Ohio Public Defender as counsel. Motion granted.

2018-0273. Beavercreek Towne Station v. Greene Cty. Bd. of Revision.

Montgomery App. No. 27862 and Board of Tax Appeals, Nos. 2016-1345 and 2016-1347. On petition to transfer appeal. Petition granted. The clerk shall issue an order for the transmittal of the records from the Court of Appeals for Montgomery County and the Board of Tax Appeals, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

Sua sponte, parties ordered to also address the following issues in their merit briefs: (1) whether appellant's filing of the notice of appeal with the Montgomery County Court of Appeals, instead of the Greene County Court of Appeals, deprives this court of jurisdiction because R.C. 5717.04 requires that review of a decision of the Board of Tax Appeals "shall be by appeal to the court of appeals for the county in which the property tax is situated" and (2) whether appellant's failure to set forth a statement of errors as required by R.C. 5717.04, which provides that the "notice of appeal shall set forth the decision of the board appealed from and the errors therein complained of," is a jurisdictional defect that requires dismissal of the case.

Appellant's motion to stay petition to transfer pending jurisdictional determination of court of appeals is denied.

O'Donnell and DeGenaro, JJ., dissent.

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

In Mandamus. On relator's motion for default judgment. Motion denied as moot.

2018-0621. State ex rel. Dixon v. Coleman.

Lucas App. No. L-18-1042. This cause was filed as a jurisdictional appeal. It is determined by the court that this cause should proceed as an appeal of right pursuant to S.Ct.Prac.R. 5.01. The clerk shall issue an order for the transmission of the record from the Court of Appeals for Lorain County, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07.

DISCIPLINARY MATTERS

2018-0496. In re Application of Jones.

On joint motion to unseal record. Motion granted.