

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 6, 2018

[Cite as *06/06/2018 Case Announcements, 2018-Ohio-2154.*]

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## MERIT DECISIONS WITH OPINIONS

**2017-0251. State ex rel. Daily Servs., L.L.C. v. Morrison, Slip Opinion No. 2018-Ohio-2151.**

Franklin App. No. 14AP-405, 2016-Ohio-8333. Judgment reversed and writ denied.

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

Fischer, J., concurs in judgment only.

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

**2017-0636. State ex rel. Penske Truck Leasing Co., L.P. v. Indus. Comm., Slip Opinion No. 2018-Ohio-2153.**

Franklin App. No. 15AP-223, 2017-Ohio-1119. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

**2017-0936. State v. Bowshier, Slip Opinion No. 2018-Ohio-2150.**

Clark App. Nos. 15-CA-54 and 15-CA-73. Cause dismissed.

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

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

## MERIT DECISIONS WITHOUT OPINIONS

### **2017-1398. State ex rel. Cordell v. Paden.**

In Mandamus. On answer of respondent. Sua sponte, alternative writ 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, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

O'Donnell, Fischer, and DeGenaro, JJ., dissent and would dismiss the cause.

### **2018-0366. State ex rel. Damon v. Disciplinary Counsel.**

In Mandamus. On motion to dismiss. Motion denied. Sua sponte, alternative writ 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, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

Fischer, J., not participating.

### **2018-0401. Treft v. Starn.**

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

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

### **2018-0408. Robinson v. Kasich.**

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

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

### **2018-0410. State ex rel. Phillips v. Ninth Dist. Court of Appeals.**

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.

**2018-0445. State ex rel. Lentz v. Dept. of Rehab. & Corr.**

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.

**2018-0446. State ex rel. Barnette v. Sweeney.**

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.

**2018-0454. State ex rel. Thimmis 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.

**2018-0460. Harris v. Gaul.**

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.

**2018-0473. Johnson v. Celebrezze.**

In Prohibition. 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.

**2018-0543. Siders v. State.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0556. State ex rel. Tri Eagle Fuels, L.L.C. v. Dawson.**

Cuyahoga App. No. 106459. Sua sponte, cause dismissed for lack of a final, appealable order.

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

**2018-0568. Ortiz v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0577. State ex. rel. Jackson v. Turner.**

In Habeas Corpus. Sua sponte, cause dismissed. On petitioner's motions to invoke this court's original jurisdiction and for an evidentiary hearing. Motions denied.

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

## MOTION AND PROCEDURAL RULINGS

**2015-0080. State ex rel. McIntyre v. Summit Cty. Court of Common Pleas.**

In Mandamus and Prohibition. On motion for supplemental issuance of writ of mandamus. Motion denied.

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

**2018-0461. State v. Gilbert.**

Sandusky App. No. S-16-047, 2018-Ohio-879. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2017-1703, *State v. Dangler*, and briefing schedule stayed.

Kennedy, French, and DeWine, JJ., dissent in part and would determine that a conflict exists and order the parties to proceed pursuant to S.Ct.Prac.R. 8.03.

**2018-0489. Selbee v. Van Buskirk.**

Scioto App. Nos. 16CA3777 and 16CA3780, 2018-Ohio-1262. On appellees' motion for stay of proceedings pending reconsideration. Motion denied.

**2018-0505. Jennings v. Jennings.**

Franklin App. No. 16AP-711, 2017-Ohio-8974. On appellant's motion to stay judgment pending appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

**2018-0511. State v. Clark.**

Lucas App. No. L-17-1044, 2018-Ohio-521. On motion for leave to file delayed appeal. Motion denied.

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

**2018-0516. State v. Potts.**

Cuyahoga App. No. 104482, 2017-Ohio-4435. On motion for leave to file delayed appeal. Motion denied.

DeGenaro, J., not participating.

**2018-0521. State v. Douglas.**

Montgomery App. No. 27430. On motion for leave to file delayed appeal. Motion denied.

**2018-0545. Koomar v. KeyBank.**

Cuyahoga App. No. 106767. On motion for emergency stay of execution of judgment. Motion denied.

Kennedy, J., dissents and would grant the motion upon the posting of an appropriate bond.

**2018-0546. State v. Harris.**

Cuyahoga App. No. 105284, 2018-Ohio-578. On motion for leave to file delayed appeal. Motion denied.

Kennedy and DeGenaro, JJ., dissent.

**2018-0547. State v. Phillips.**

Summit App. No. 27552, 2017-Ohio-1186. On motion for leave to file delayed appeal. Motion denied.

**2018-0549. State v. Jones.**

Ross App. No. 16CA3574, 2018-Ohio-239. On motion for leave to file delayed appeal. Motion denied.

**2018-0564. State v. Burge.**

Stark App. No. 2016CA00217, 2017-Ohio-7862. On motion for leave to file delayed appeal. Motion denied.

## APPEALS ACCEPTED FOR REVIEW

### **2018-0376. State v. Howard.**

Franklin App. No. 17AP-242, 2018-Ohio-309.  
O'Donnell and Fischer, JJ., dissent.

## APPEALS NOT ACCEPTED FOR REVIEW

### **2018-0203. Toledo v. Corr. Comm. of Northwest Ohio.**

Lucas App. No. L-16-1155, 2017-Ohio-9149.  
Kennedy, Fischer, and DeGenaro, JJ., dissent.

### **2018-0226. State v. Shannon.**

Trumbull App. No. 2017-T-0012, 2017-Ohio-9344.  
Fischer, DeWine, and DeGenaro, JJ., dissent.

### **2018-0352. Barrow v. New Miami.**

Butler App. No. CA2017-03-031, 2018-Ohio-217.  
Kennedy and Fischer, JJ., dissent.  
French, J., dissents would accept the cause on proposition of law Nos.  
I and II.

### **2018-0361. State v. Mack.**

Cuyahoga App. No. 101261, 2018-Ohio-301.

### **2018-0380. State v. Zeigler.**

Hamilton App. No. C160428.  
Fischer, J., not participating.

### **2018-0501. State v. Porter.**

Cuyahoga App. No. 102257, 2018-Ohio-1178.  
DeGenaro, J., not participating.

### **2018-0544. State v. Hale.**

Summit App. No. 28334.