

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

October 10, 2018

[Cite as *10/10/2018 Case Announcements* , 2018-Ohio-4091.]

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## MERIT DECISIONS WITH OPINIONS

**2017-1360. *State v. Bonnell*, Slip Opinion No. 2018-Ohio-4069.**

Cuyahoga C.P. No. CR-87-223820. Judgment affirmed.

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

**2018-0215. *State ex rel. Simpson v. Cooper*, Slip Opinion No. 2018-Ohio-4068.**

Hamilton App. No. C-1700606. Judgment affirmed.

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

Fischer, J., not participating.

**2018-0464. *State ex rel. Swain v. Harris*, Slip Opinion No. 2018-Ohio-4066.**

Warren App. No. CA2018-01-009. Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2018-0820. *Hyden v. Ruehlman*.**

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

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

**2018-0868. Sims v. Marquis.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-0928. State ex rel. Fetherolf v. Shaw.**

In Prohibition. On motion to dismiss amended complaint. Motion granted. Cause dismissed.

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

**2018-0941. State ex rel. DeBruyne v. Lucas Cty. Court of Common Pleas, Juvenile Div.**

In Prohibition. On answer of respondents and respondents' motion for judgment on the pleadings. Motion denied. Sua sponte, alternative writ granted. 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, Fischer, DeWine, and DeGenaro, JJ., concur.

**2018-1012. State ex rel. Ware v. Montgomery Cty. Clerk of Courts.**

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

O'Connor, C.J., and O'Donnell, Kennedy, Fischer, and DeWine, JJ., concur.  
French and DeGenaro, JJ., dissent and would grant an alternative writ.

**2018-1013. State ex rel. Ware v. Mohr.**

In Mandamus. On motion to dismiss or in the alternative, motion for summary judgment. Motion granted. Cause dismissed.

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

DeWine, J., dissents and would grant an alternative writ.

**2018-1032. Cline v. Yoss.**

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.

**2018-1044. State ex rel. Whitaker v. Oda.**

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.

**2018-1063. State ex rel. Kerr v. Reger.**

In Prohibition. On motion to dismiss complaint. Motion granted. Cause dismissed. Motion to have relator declared a vexatious litigator denied.

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

Fischer, DeWine, and DeGenaro, JJ., concur in granting the motion to dismiss and would also grant the motion to have relator declared a vexatious litigator.

**2018-1190. Appenzeller v. Mohr.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-1210. State ex rel. Herring v. Wainright.**

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**

**1987-0447. State v. Henderson.**

Hamilton App. No. C-850557. On appellee's motion to set execution date. Motion granted. Jerome Henderson's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility or, in his absence, by the deputy warden on Thursday, September 14, 2023, in accordance with the statutes so provided.

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

**2017-0385. Ackerman v. Bank of New York Mellon.**

Miscellaneous case. On emergency motion for stay and supersedeas bond waiver. Motion denied.

**2018-1180. Tesar Indus. Contrs., Inc. v. Republic Steel.**

Lorain App. Nos. 16CA010957 and 16CA010960, 2018-Ohio-2089. On motion for stay of judgment pending appeal. Motion granted and supersedeas bond continued.

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

**2018-1189. State v. Davidson.**

Fayette App. Nos. CA2017-08-015 and CA2017-08-016, 2018-Ohio-1779. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1011. State v. Dennis.**

Cuyahoga App. No. 104742, 2018-Ohio-2723.

DeGenaro, J., not participating.

**2018-1019. State v. Hunt.**

Jefferson App. No. 17 JE 0012.

**2018-1026. State v. Potts.**

Hancock App. No. 5-16-03.

**2018-1070. State v. Kolvek.**

Summit App. Nos. 28141 through 28145.

**2018-1156. State v. Wood.**

Clark App. No. 2016-CA-69.

**2018-1174. State v. Ramirez.**

Richland App. Nos. 16CA95 and 16CA96.

**2018-1181. State v. Porter.**

Cuyahoga App. No. 103185, 2018-Ohio-2721.

**RECONSIDERATION OF PRIOR DECISIONS**

**2017-0346. State ex rel. O'Malley v. Collier-Williams.**

In Mandamus and Prohibition. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-3154, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2017-0483. State v. Moore.**

Erie App. No. E-16-030, 2017-Ohio-673. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-3237, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

Anita Laster Mays, J., of the Eighth District Court of Appeals, sitting for O'Neill, J.

**2018-0655. State v. Blanton.**

Adams App. No. 16CA1035, 2018-Ohio-1278. Reported at 153 Ohio St.3d 1452, 2018-Ohio-3026, 103 N.E.3d 831. On motion for reconsideration. Motion denied.

**2018-0659. Barton v. Cuyahoga Cty.**

Cuyahoga App. No. 106871. Reported at 153 Ohio St.3d 1452, 2018-Ohio-3026, 103 N.E.3d 831. On motion for reconsideration. Motion denied.

**2018-0666. State ex rel. McBroom v. Franklin Cty. Court of Appeals.**

In Mandamus. Reported at 153 Ohio St.3d 1449, 2018-Ohio-3025, 103 N.E.3d 828. On motion for reconsideration. Motion denied. Motion to strike memorandum in opposition to motion for reconsideration denied as moot.

**2018-0761. State v. Dilley.**

Cuyahoga App. No. 106468, 2018-Ohio-1504. Reported at 153 Ohio St.3d 1462, 2018-Ohio-3258, 104 N.E.3d 792. On motion for reconsideration. Motion denied.