

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

October 24, 2018

[Cite as *10/24/2018 Case Announcements*, 2018-Ohio-4288.]

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## MERIT DECISIONS WITH OPINIONS

**2017-0686. State ex rel. Grant v. Collins, Slip Opinion No. 2018-Ohio-4281.**

Lake App. No. 2016-L-106, 2017-Ohio-1338. Judgment affirmed.

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

**2017-0717. Hilliard City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2018-Ohio-4282.**

Board of Tax Appeals, No. 2016-297. Decision affirmed.

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

**2017-0814. Huber Hts. City Schools Bd. of Edn. v. Montgomery Cty. Bd. of Revision, Slip Opinion No. 2018-Ohio-4284.**

Board of Tax Appeals, Nos. 2015-2359 and 2015-2360. Decision affirmed.

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

Kennedy, J., concurs in judgment only.

**2017-0921. Groveport Madison Local Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2018-Ohio-4286.**

Board of Tax Appeals, No. 2016-542. Decision affirmed.

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

Kennedy, J., concurs in judgment only.

O'Donnell, J., dissents and would adopt the valuation of the Franklin County Board of Revision.

**2018-0498. In re Application of Jones, Slip Opinion No. 2018-Ohio-4287.**

On Certified Report by the Board of Commissioners on Character and Fitness, No. 686. Launica Elizabeth Jones's pending application to take bar examination disapproved, but applicant permitted to reapply for February 2021 or later bar examination.

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

**2018-0813. Disciplinary Counsel v. Dunn, Slip Opinion No. 2018-Ohio-4283.**

On Certified Report by the Board of Professional Conduct, No. 2017-065. Howard Alan Dunn, Attorney Registration No. 0021621, last known address in Solon, Ohio, suspended from the practice of law for six months, all stayed on conditions.

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

Kennedy, J., concurs in judgment only.

## **MERIT DECISIONS WITHOUT OPINIONS**

**2017-0943. De Long v. Roberson.**

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.

**2018-0989. State ex rel. Rasawehr v. Celina Mun. Court.**

In Prohibition. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

**2018-1098. Pishok v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

Kennedy, J., dissents and would deny the petition.

**2018-1103. Dixon v. Borchert.**

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.

**2018-1130. Mason v. Chief Inspector, Dept. of Rehab. & Corr.**

In Mandamus. On relator's motion for leave to amend cause caption. Motion granted. Respondent's motion to dismiss 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, French, Fischer, DeWine, and DeGenaro, JJ., concur.

Kennedy, J., dissents from the granting of an alternative writ and would order respondent to file an answer in accordance with the Rules of Practice.

**2018-1163. State ex rel. McBroom v. Gertmenian.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed. Relator's motion to strike motion to dismiss denied.

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

**2018-1215. State ex rel. Green v. State.**

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.

**2018-1218. State ex rel. Britford v. Schneider.**

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.

**2018-1250. State ex rel. Williams v. Richards.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-1259. Druktenis v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2018-1289. 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**

**1995-0042. State v. Wogenstahl.**

Hamilton App. No. C-930222. On appellant's motion to reopen direct appeal. Motion denied. Appellant's amended motion for clarification granted. Appellant's amended motion for extension of stay of execution granted. The stay shall remain in effect until exhaustion of all state postconviction proceedings, including any appeals.

French, J., would grant appellant's motion to reopen.

O'Connor, C.J., and Kennedy, J., would deny appellant's amended motion for clarification and appellant's amended motion for extension of stay of execution.

O'Donnell, J., would deny appellant's amended motion for extension of stay of execution.

Donna J. Carr, J., of the Ninth District Court of Appeals, sitting for Fischer, J.

Eileen T. Gallagher, J., of the Eighth District Court of Appeals, sitting for DeWine, J.

**2018-0609. State ex rel. Freed v. Disciplinary Counsel.**

In Mandamus. On relator's motion for articulation and motion for Ohio Constitution, Article IV, Section 2(C) "reasons therefor." Motions denied. Respondent's motion to strike motion for articulation denied.

**2018-0920. State v. Fox.**

Franklin App. No. 17AP-295, 2018-Ohio-501. On appellant's motion to lift stay. Motion denied.

**2018-1125. State v. Dornoff.**

Wood App. No. WD-16-072, 2018-Ohio-3084. 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.

**2018-1209. Buddenberg v. Weisdack.**

Certified Question of State Law, United States District Court, Northern District of Ohio, Eastern Division, No. 1:18-CV-00522. On review of preliminary memoranda. The court will answer the following questions:

“Does [R.C.] 2307.60’s creation of a civil cause of action for injuries based on a ‘criminal act’ require an underlying criminal conviction?”

“Is a criminal conviction a condition precedent to a civil claim pursuant to [R.C.] 2921.03?”

Petitioners shall file their merit brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 9.07 and 16.02 through 16.04.

**2018-1225. State v. Ramsey.**

Licking App. No. 17-CA-76, 2018-Ohio-2365. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2018-0312, *State v. Davis*, and briefing schedule stayed.

Fischer and DeWine, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2018-0948. State v. Miller.**

Cuyahoga App. No. 105363, 2018-Ohio-843.

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

Lisa L. Sadler, J., of the Tenth District Court of Appeals, sitting for DeGenaro, J.

**2018-1073. Walsh v. Walsh.**

Trumbull App. No. 2017-T-0033, 2018-Ohio-2466.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1062. Black v. Hicks.**

Cuyahoga App. No. 105248, 2018-Ohio-2289.

French and DeGenaro, JJ., dissent and would accept the appeal on proposition of law Nos. II and III.

**2018-1071. State v. Ramsey.**

Licking App. No. 17-CA-76, 2018-Ohio-2365.

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