

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 7, 2018

[Cite as *11/07/2018 Case Announcements*, 2018-Ohio-4495.]

MERIT DECISIONS WITH OPINIONS

2016-1137. Willoughby Hills Dev. & Distrib., Inc. v. Testa, Slip Opinion No. 2018-Ohio-4488.

Board of Tax Appeals, No. 2015-1069. Decision affirmed.

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

Kennedy, J., concurs in judgment only.

2018-0477. State ex rel. White v. Nusbaum, Slip Opinion No. 2018-Ohio-4489.

Ross App. No. 18CA3626. Judgment affirmed.

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

O'Donnell, Kennedy, and DeWine, JJ., concur in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2017-1709. State ex rel. Wellston City School Dist. Bd. of Edn. v. Ohio Facilities Constr. Comm.

In Mandamus. On relator's amended motion for leave to file amended complaint. Motion granted. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Connor, C.J., and French and Fischer, JJ., dissent and would deny the motion to dismiss and grant an alternative writ.

2018-1136. Jones v. Coss.

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

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

O'Donnell, J., dissents.

2018-1188. State ex rel. Clemons v. Kasich.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. Relator's "motion to expedite and emergency relief" denied.

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

2018-1205. State ex rel. Rodgers v. Cuyahoga Cty. Common Pleas Court.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. Relator's "motion to traverse respondent's motion to dismiss" denied.

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

2018-1213. Wolf v. Eleventh Dist. Court of Appeals Judges.

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.

2018-1216. Rodgers v. Mausser.

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.

2018-1312. Gordon v. Turner.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1321. State ex rel. Haynie v. Adult Parole Auth.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1330. State ex rel. Arega v. Warden, Chillicothe Corr. Inst.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1335. Feister v. LaRosa.

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

2018-0865. State ex rel. King v. Wells.

In Prohibition. On omnibus motion for immediate removal, for an order to refer, and for the appointment of a three-member review panel under Gov.Jud.R. II, Section 4. Motion denied.

2018-1262. LRC Realty, Inc. v. B.E.B. Properties.

Geauga App. No. 2016-G-0076, 2018-Ohio-2887. On motion to stay. Motion granted.

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

2018-1315. State v. Taylor.

Montgomery App. No. 27700, 2018-Ohio-2858. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 4 of the court of appeals' entry filed August 27, 2018: "Prior to ordering a defendant to pay court-appointed counsel fees pursuant to R.C. 2941.51(D), must the trial court make an explicit finding that the defendant has or reasonably may be expected to have the means to pay some or all of the cost of his or her legal representation?"

The conflict case is *State v. Christman*, 12th Dist. Preble Nos. CA2009-03-007 and CA2009-03-008, 2009-Ohio-6555.

Sua sponte, cause consolidated with 2018-1243, *State v. Taylor*, and briefing in Nos. 2018-1315 and 2018-1243 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

O'Donnell, J., would hold the cause for the decision in 2018-0449, *State v. Johnson*.

French, DeWine, and DeGenaro, JJ., dissent.

2018-1326. State v. Heiney.

Lucas App. No. L-16-1042, 2018-Ohio-3408. On motion to stay judgment of court of appeals and admit appellant to bond pending appeal. Motion denied.

O'Connor, C.J., and Fischer, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2018-1116. State v. McFarland.

Cuyahoga App. No. 105570, 2018-Ohio-2067. Appeal accepted on proposition of law No. I.

O'Donnell and French, JJ., would accept the appeal on all propositions of law. Kennedy, J., dissents.

DeGenaro, J., not participating.

2018-1243. State v. Taylor.

Montgomery App. No. 27700, 2018-Ohio-2858. Sua sponte, cause consolidated with 2018-1315, *State v. Taylor*, and briefing in Nos. 2018-1243 and 2018-1315 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

DeGenaro, J., would hold the cause for the decisions in 2017-1579, *State v. Braden*, and 2018-0449, *State v. Johnson*.

O'Connor, C.J., dissents.