

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 7, 2018

[Cite as *11/07/2018 Case Announcements #2*, 2018-Ohio-4496.]

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## MOTION AND PROCEDURAL RULINGS

**2006-1578. State v. Were.**

Hamilton App. No. C-030485, 2006-Ohio-3511. On appellant's application for reopening. Application denied.

**2014-0273. State v. Clinton.**

Erie C.P. No. 2012-CR-383. On appellant's application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2014-0313. State v. Beasley.**

Summit C.P. No. CR2012010169(A). On appellant's application for reopening under S.Ct.Prac.R. 11.06. Application denied.

Fischer, J., dissents and would grant the application as to proposition of law No. II.

**2018-1316. State v. Hammock.**

Hamilton App. No. C-170264. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

**2018-1317. Hammock v. Bruce.**

Hamilton App. Nos. C-180143 and C-180144. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., not participating.

**2018-1318. State v. Macksyn.**

Stark App. No. 2018CA00024. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2018-1182. In re A.W.**

Cuyahoga App. No. 105845, 2018-Ohio-2644. Appeal accepted on proposition of law No. I.

O'Connor, C.J., would accept the appeal on all propositions of law.

French and DeGenaro, JJ., would also accept the appeal on proposition of law No. II.

Fischer, J., would also accept the appeal on proposition of law No. IV.

O'Donnell, Kennedy, and DeWine, JJ., dissent.

**2018-1300. In re Adoption of A.C.B.**

Lucas App. No. L-18-1043, 2018-Ohio-3081.

Fischer, J., would hold the cause for 2018-0181, 2018-0182, 2018-0350, and 2018-0351, *In re Adoption of B.I.*

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-0878. State v. Torres.**

Medina App. No. 17CA0038-M, 2018-Ohio-1173.

**2018-1170. Ford v. West.**

Fayette App. No. CA2017-11-025, 2018-Ohio-2626.

**2018-1171. State v. Hudson.**

Gallia App. No. 17CA19, 2018-Ohio-2717.

**2018-1187. State v. Huston.**

Clinton App. No. CA2017-08-012, 2018-Ohio-2818.

French, J., dissents and would accept the appeal and hold the cause for 2017-1069, *Girard v. Giordano*.

DeGenaro, J., dissents.

**2018-1193. State v. Jackson.**

Cuyahoga App. No. 105541, 2018-Ohio-2131.

Fischer, J., dissents.

**2018-1194. State v. McQueen.**

Clermont App. No. CA2017-12-062, 2018-Ohio-2671.

**2018-1199. Berkheimer v. REKM, L.L.C.**

Butler App. No. CA2017-12-165, 2018-Ohio-2668.

Kennedy and French, JJ., dissent.

**2018-1201. State v. Tucker.**

Wood App. No. WD-16-063, 2018-Ohio-1869.

**2018-1203. Wenning v. Advanced Spine Joint & Wellness Ctr., L.L.C.**

Medina App. No. 17CA0031-M, 2018-Ohio-2798.

**2018-1207. State v. Rhoden.**

Hamilton App. Nos. C-170499 and C-170500.

**2018-1212. State v. Franklin.**

Stark App. No. 2017 CA 00170, 2018-Ohio-2904.

**2018-1217. State v. Shuster.**

Morgan App. No. 18 AP 0003, 2018-Ohio-2901.

**2018-1219. State v. McDaniel.**

Cuyahoga App. No. 105252, 2018-Ohio-2071.

**2018-1220. State v. Curry.**

Cuyahoga App. No. 105638, 2018-Ohio-3271.

Fischer, J., dissents.

**2018-1222. State v. Whitman.**

Stark App. No. 2017CA00079, 2018-Ohio-2924.

O'Donnell, J., dissents.

**2018-1226. Berryhill v. Khouri.**

Cuyahoga App. No. 105587, 2018-Ohio-1757.

**2018-1239. Dahl v. Cleveland State Univ. UC Express.**

Cuyahoga App. No. 107434.

**2018-1263. State v. Bradley.**

Van Wert App. No. 15-18-03, 2018-Ohio-3005.

**2018-1275. State v. Pryor.**

Hamilton App. No. C-170334, 2018-Ohio-2985.

Fischer and DeGenaro, JJ., dissent and would accept the appeal on proposition of law No. I.

**2018-1306. State v. Miller.**

Mahoning App. No. 17 MA 0120, 2018-Ohio-3430.

**2018-1313. State v. Boyle.**

Greene App. No. 2018-CA-12, 2018-Ohio-3284.

**2018-1324. State v. Wood.**

Clark App. No. 2018-CA-1, 2018-Ohio-3204.

**2018-1340. State v. Smith.**

Cuyahoga App. No. 106486, 2018-Ohio-2938.

**RECONSIDERATION OF PRIOR DECISIONS**

**2016-1284. Johnson v. Sloan.**

Ashtabula App. No. 2016-A-0009, 2016-Ohio-5375. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-2120, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

O'Donnell and DeGenaro, JJ., not participating.

**2017-0272. State ex rel. Johnson v. Cuyahoga Cty. Court of Common Pleas.**

Cuyahoga App. No. 104891, 2017-Ohio-394. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-2120, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

O'Donnell and DeGenaro, JJ., not participating.

**2017-0830. State ex rel. Arnold v. Gallagher.**

Cuyahoga App. No. 105351, 2017-Ohio-4076. Reported at 153 Ohio St.3d 234, 2018-Ohio-2628, 103 N.E.3d 818. On motion for reconsideration. Motion denied.  
DeGenaro, J., not participating.

**2017-1015. State ex rel. Keith v. Dept. of Rehab. & Corr.**

Franklin App. No. 15AP-1080, 2017-Ohio-4406. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-3128, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2017-1214. State ex rel. Keith v. Dept. of Rehab & Corr.**

Franklin App. No. 15AP-1080, 2017-Ohio-4406. Reported at \_\_ Ohio St.3d \_\_, 2018-Ohio-3128, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2018-0857. Waterfall Victoria Master Fund 2008-1 v. Rittenhouse.**

Delaware App. No. 17 CAE 10 0069, 2018-Ohio-1791. Reported at 153 Ohio St.3d 1468, 2018-Ohio-3450, 106 N.E.3d 66. On motion for reconsideration. Motion denied.

DeGenaro, J., not participating.

**2018-0859. Dean v. State.**

Lucas App. No. L-16-1301, 2018-Ohio-1740. Reported at 153 Ohio St.3d 1469, 2018-Ohio-3450, 106 N.E.3d 66. On motion for reconsideration. Motion denied.