

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS\*

February 14, 2018

[Cite as *02/14/2018 Case Announcements*, 2018-Ohio-557.]

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## MERIT DECISIONS WITH OPINIONS

### **2016-1015. State ex rel. Food & Water Watch v. State, Slip Opinion No. 2018-Ohio-555.**

Franklin App. No. 14AP-958, 2016-Ohio-3135. Judgment affirmed.

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

O'Donnell, J., concurs in part and dissents in part, with an opinion.

O'Neill, J., dissents.

## MERIT DECISIONS WITHOUT OPINIONS

### **2016-1302. Springfield Spartans, L.L.C. v. Licking Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2015-1946. On appellee's motion to dismiss. Motion granted. Cause dismissed.

Kennedy and O'Neill, JJ., not participating.

### **2016-1668. State ex rel. Hunley v. Dept. of Rehab. & Corr.**

Franklin App. No. 15AP-593. Sua sponte, cause dismissed for lack of a final, appealable order.

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

O'Neill, J., not participating.

\* Reporter's Note: These matters were decided on January 24, 2018, but are being reported to the public on February 14, 2018.

**2017-0345. State ex rel. Ohio Patrolmen’s Benevolent Assn. v. Warren.**

Trumbull App. No. 2015-T-0017. Cause remanded to the court of appeals for lack of a final, appealable order. Appellant’s request for oral argument denied as moot.

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

Kennedy, J., dissents.

O’Neill, J., not participating.

**2017-1443. State ex rel. Staats v. Stark Cty. Prosecutor’s Office.**

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

On respondent’s motion to strike memo in opposition to motions to dismiss. Motion denied. On relator’s motion to strike motion to dismiss. Motion denied.

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

O’Neill, J., not participating.

**2017-1460. Fetherolf v. Hord.**

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

O’Neill, J., not participating.

**2017-1485. State ex rel. Cruz-Altunar v. Franklin Cty. Common Pleas Court.**

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

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

O’Neill, J., not participating.

**2017-1486. State ex rel. Siemering v. Ghiz.**

In Mandamus. On relator’s motion to take judicial notice. Motion denied. On respondent’s motion to dismiss. Motion granted. Cause dismissed.

O’Connor, C.J., and Kennedy, Fischer, and DeWine, JJ., concur.

French, J., dissents in part and would grant relator’s motion to take judicial notice.

O’Donnell, J., dissents and would grant relator’s motion to take judicial notice and dismiss the cause as moot.

O’Neill, J., not participating.

**2017-1502. State ex rel. Kerr v. Reger.**

In Mandamus. On relator's motion for peremptory writ of mandamus. Motion denied. On relator's motion to strike respondent's motion to dismiss. Motion denied. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., not participating.

**2017-1513. State ex rel. Davis v. Laster Mays.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., not participating.

**2017-1532. Treft v. Hancock Cty. Common Pleas Court.**

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

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

O'Neill, J., not participating.

**2017-1628. Copeland v. Healy.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Neill, J., not participating.

**2017-1630. Copeland v. Trumbull Cty. Children Servs.**

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

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

O'Neill, J., not participating.

**2017-1631. Robinson v. Kasich.**

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

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

O'Neill, J., not participating.

**2017-1654. State ex rel. Menton v. Sloan.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**2017-1658. State ex rel. Golphin v. Calabrese.**

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause  
dismissed.

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

O'Neill, J., not participating.

**2017-1660. Hill v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**2017-1678. Taylor v. Burkes.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**2017-1697. Wilson v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**2017-1718. White v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**2017-1783. Valdez v. Eppinger.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

O'Neill, J., not participating.

**MOTION AND PROCEDURAL RULINGS**

**2011-1921. State v. Sowell.**

Cuyahoga App. No. CR-09-530885. On appellant's application for reopening under S.Ct.Prac. R. 11.06. Application denied.

O'Neill, J., not participating.

**2013-0536. State v. Spaulding.**

Summit App. No. CR 12 05 1508. On appellant's application for reopening under S.Ct.Prac. R. 11.06. Application denied.

O'Neill, J., not participating.

**2015-0612. State ex rel. Miller v. Bova.**

In Mandamus. On relator's submission of attorney's fees pursuant to court's order of April 12, 2017, and motion requesting the court rule on submission of fees. Motion granted in part. \$27,255.00 in attorney fees awarded based on billed hours as follows: Mr. Christopher Finney, \$5,001.00; Ms. Jessica Gibson, \$937.50; Ms. Julie Gugino, \$56.00; Mr. Brian Shrive, \$432.00; Mr. Curt Hartman, \$17,388.50; and Mr. Daniel Carter, \$3,440.00. Relator's request for statutory damages denied for failure of certified-mail or hand-delivered service. Relator's motion requesting that the court rule on submission of fees denied as moot.

O'Neill, J., not participating.

**2016-1551. 327-42 Findlay, L.L.C. v. Hancock Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2015-1342. On appellee's motion to dismiss. Motion denied.

O'Donnell, J., dissents.

O'Neill, J., not participating.

**2016-1556. Store Master Funding II, L.L.C. v. Delaware Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2015-1953. On motion to dismiss of appellee Olentangy Local Schools Board of Education. Motion denied.

O'Donnell, J., dissents.  
O'Neill, J., not participating.

**2017-1250. State ex rel. Wynn v. Richards.**

In Habeas Corpus. On motion for leave to amend petition. Motion denied.  
O'Neill, J., not participating.

**2017-1344. Brewer v. Cuyahoga Cty. Bd. of Elections.**

In Mandamus. On motion for leave to file motion for judgment on the pleadings instant. Motion granted. Relator may file a response within ten days. On request for court to dismiss answer of respondent. Request denied. On relator's motion for leave to amend the caption of the complaint. Motion granted.

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

O'Neill, J., not participating.

**2017-1579. State v. Braden.**

Franklin App. No. 17AP-48, 2017-Ohio-7903. 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 paragraph 4 of the court of appeals' entry filed November 2, 2017: "Does a trial court have jurisdiction, pursuant to the current version of R.C. 2947.23(C), to waive, modify or suspend court costs for those cases in which the defendant's conviction and sentence became final prior to the enactment of R.C. 2947.23(C)?"

The conflict cases are *State v. Powell*, 2d Dist. Montgomery No. 24433, 2014-Ohio-3842, *State v. Chase*, 2d Dist. Montgomery No. 26238, 2015-Ohio-545, *State v. Price*, 8th Dist. Cuyahoga No. 102987, 2015-Ohio-4592, and *State v. Bacote*, 8th Dist. Cuyahoga No. 102991, 2015-Ohio-5268.

The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Franklin County.

Sua sponte, cause consolidated with 2017-1609, *State v. Braden*, and briefing in Nos. 2017-1579 and 2017-1609 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 and O'Neill, JJ., not participating.

**2017-1582. Westerville City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Franklin App. No. 17AP-724 and Board of Tax Appeals, No. 2016-2173. On appellants' petition to transfer jurisdiction. Petition denied pursuant to S.Ct.Prac.R. 10.01(E)(3).

Appellees' motion to stay petition to transfer jurisdiction denied as moot.

Kennedy and French, JJ., dissent and would grant the petition to transfer and hold the cause for the decision in 2015-1065, *MDM Holdings, L.L.C. v. Cuyahoga Cty. Bd. of Revision*.

O'Neill, J., not participating.

**2017-1592. State v. Taylor.**

Richland App. Nos. 16CA72 and 16CA73, 2017-Ohio-7140. On motion for leave to file delayed appeal. Motion denied.

Fischer and DeWine, JJ., dissent.

O'Neill, J., not participating.

**2017-1617. State v. Conyer.**

Mahoning App. No. 16 MA 0021, 2017-Ohio-7506. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

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

O'Neill, J., not participating.

**2017-1626. State v. Henry.**

Jefferson App. No. 16 JE 0010, 2017-Ohio-7505. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., dissents.

O'Neill, J., not participating.

**2017-1636. State v. Gotshall.**

Portage App. No. 2015-P-0057, 2016-Ohio-3122. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-1643. State v. Hand.**

Clark App. No. 2016-CA-51, 2017-Ohio-7340. On motion for leave to file delayed appeal. Motion fails for want of four votes. Cause dismissed.

Kennedy, Fischer, and DeWine, JJ., would grant the motion for leave.

O'Neill, J., not participating.

**2017-1651. State v. Hale.**

Muskingum App. No. CT2016-0048, 2017-Ohio-2844. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., not participating.

**2017-1653. State v. Montgomery.**

Licking App. No. 16 CA 0104, 2017-Ohio-7457. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., not participating.

**2017-1671. Irvin v. Eichenberger.**

Franklin App. No. 16AP-657, 2017-Ohio-5601. On motion for stay of trial-court and court-of-appeals decisions. Motion denied.

O’Neill, J., not participating.

**2017-1680. State v. Lawson.**

Hamilton App. No. C-160430. On motion for leave to file delayed appeal. Motion denied.

O’Neill, Fischer, and DeWine, JJ., not participating.

**2017-1701. State v. Cupp.**

Geauga App. No. 2016-G-0097, 2017-Ohio-7948. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated in the court of appeals’ entry filed December 1, 2017: “Whether a defendant is entitled to jail credit for presentence detention time when held on a bond if, during the same period of time, he is serving a sentence on an unrelated case.”

The conflict cases are *State v. Washington*, 1st Dist. Hamilton Nos. C-050462 and B-0500722, 2006-Ohio-4790, *State v. Brooks*, 9th Dist. Lorain No. 05CA008786, 2006-Ohio-1485, and *State v. Smith*, 71 Ohio App.3d 302, 593 N.E.2d 402 (10th Dist.1992).

The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Geauga County.

Sua sponte, cause consolidated with 2017-1547, *State v. Cupp*, and briefing in Nos. 2017-1701 and 2017-1547 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.

French and DeWine, JJ., dissent.

O’Neill, J., not participating.



**2017-1708. State v. Smith.**

Lawrence App. No. 16CA10, 2017-Ohio-7864. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

O'Neill, J., not participating.

**2017-1711. State v. Sanchez.**

Defiance App. No. 4-17-10, 2017-Ohio-7442. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-1713. State v. Clyde.**

Erie App. Nos. E-16-045 and E-16-048, 2017-Ohio-8205. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Fischer, JJ., dissent.

O'Neill, J., not participating.

**2017-1725. State v. Brazina.**

Mahoning App. No. 15 MA 0191, 2017-Ohio-7500. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

O'Neill, J., not participating.

**2017-1732. State v. Mullen.**

Summit App. No. 28453, 2017-Ohio-7234. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

O'Neill, J., not participating.

**2017-1748. State v. Norfleet.**

Coshocton App. No. 2016CA0009, 2016-Ohio-8236. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-1759. State v. Gordon.**

Summit App. No. 28331, 2017-Ohio-7147. On motion for leave to file delayed appeal. Motion fails for want of four votes. Cause dismissed.

Kennedy and O'Donnell, JJ., would grant the motion for leave.

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

**2017-1767. State v. Yanez.**

Butler App. No. CA2016-10-190, 2017-Ohio-7209. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

O'Neill, J., not participating.

**2017-1769. State v. Arnold.**

Cuyahoga App. No. 105852. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-1787. State v. Williams.**

Franklin App. No. 16AP-540, 2017-Ohio-5598. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., not participating.

**2017-1798. State v. Davis.**

Cuyahoga App. No. 105129, 2017-Ohio-8479. On emergency motion to stay. Motion denied.

O'Neill, J., not participating.

**2017-1802. State v. Sowards.**

Gallia App. No. 06CA13, 2017-Ohio-8568. On motion to continue stay of execution of sentence. Motion denied.

O'Neill, J., not participating.

**2017-1803. State v. Sowards.**

Gallia App. No. 17CA13, 2017-8568. On motion to continue stay of execution. Motion denied.

Fischer, J., dissents.

O'Neill, J., not participating.

**2018-0037. Clean Energy Future, L.L.C. v. Clean Energy Future-Lordstown, L.L.C.**

Trumbull App. No. 2017-T-0110, 2017-Ohio-9350. On emergency motion to stay trial court's order. Motion denied.

French and Fischer, JJ., dissent.

O'Neill, J., not participating.

## APPEALS ACCEPTED FOR REVIEW

### **2017-1547. State v. Cupp.**

Geauga App. No. 2016-G-0097, 2017-Ohio-7948.

Sua sponte, cause consolidated with 2017-1701, *State v. Cupp*, and briefing in Nos. 2017-1701 and 2017-1547 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.

French and DeWine, JJ., dissent.

O'Neill, J., not participating.

### **2017-1609. State v. Braden.**

Franklin App. No. 17AP-48, 2017-Ohio-7903. Cause accepted on proposition of law No. I.

Sua sponte, cause consolidated with 2017-1579, *State v. Braden*, and briefing in Nos. 2017-1609 and 2017-1579 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.

Kennedy, J., would accept the cause on all propositions of law.

DeWine, J., dissents.

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

## APPEALS NOT ACCEPTED FOR REVIEW

### **2017-0683. Roush v. Silberstein.**

Hamilton App. No. C-160458.

O'Donnell and DeWine, JJ., dissent.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for O'Neill, J.

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

### **2017-1536. State v. Moore.**

Trumbull App. No. 2015-T-0072.

O'Neill, J., not participating.

**2017-1550. State v. Turner.**

Cuyahoga App. No. 104490, 2017-Ohio-7881.

O'Neill, J., not participating.

**2017-1553. State v. Spring.**

Jefferson App. No. 15 JE 0019, 2017-Ohio-8012.

O'Neill, J., not participating.

**2017-1564. State v. Rausenberg.**

Delaware App. No. 16 CAA 02 0007.

O'Neill, J., not participating.

**2017-1574. State v. Robinson.**

Cuyahoga App. No. 88473, 2017-Ohio-8055.

O'Neill, J., not participating.

**2017-1614. State v. Thomas.**

Summit App. No. 27405.

O'Neill, J., not participating.

**2017-1629. State v. Rodano.**

Cuyahoga App. No. 104176, 2017-Ohio-8221.

O'Neill, J., not participating.

**2017-1642. State v. Berry.**

Franklin App. Nos. 16AP-659 and 16AP-660.

O'Neill, J., not participating.

**2017-1656. State v. Thomas.**

Allen App. No. 1-16-36.

O'Neill, J., not participating.

**2017-1729. State v. Turner.**

Summit App. No. 28298.

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

**2017-1771. In re Adoption of R.M.T.**

Warren App. Nos. CA2016-12-107, CA2017-05-056, and CA2017-05-057, 2017-Ohio-8639. Motion for immediate stay denied as moot.

O'Neill, J., not participating.

## RECONSIDERATION OF PRIOR DECISIONS

### **2016-0907. In re D.S.**

Franklin App. No. 15AP-487, 2016-Ohio-2810. Reported at \_\_ Ohio St.3d \_\_, 2017-Ohio-8289, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion fails for want of four votes.

Kennedy, French, and DeWine, JJ., would grant the motion.

O'Neill, J., not participating.

### **2016-1036. Clark v. Adult Parole Auth.**

Belmont App. No. 16 BE 0005, 2016-Ohio-3383. Reported at \_\_ Ohio St.3d \_\_, 2017-Ohio-8391, 90 N.E.3d 909. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

### **2016-1453. State ex rel. Sevayega v. Gallagher.**

Cuyahoga App. No. 104225, 2016-Ohio-5421. Reported at 151 Ohio St.3d 208, 2017-Ohio-8369, 87 N.E.3d 212. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

### **2016-1755. State ex rel. Evans v. McGrath.**

Franklin App. No. 16AP-458, 2016-Ohio-7875. Reported at \_\_ Ohio St.3d \_\_, 2017-Ohio-8707, 90 N.E.3d 909. On motion for reconsideration. Motion denied. On motion for court to rule upon all propositions of law. Motion denied.

O'Neill, J., not participating.

### **2017-0290. White v. Harris.**

Warren App. No. CA2016-09-080. Reported at 151 Ohio St.3d 1453, 2017-Ohio-8842, 87 N.E.3d 221. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

### **2017-0453. State v. Aryee.**

Seneca App. No. 13-16-18, 2016-Ohio-8405. Reported at 151 Ohio St.3d 1426, 2017-Ohio-8371, 84 N.E.3d 1064. On motion for reconsideration. Motion denied.

French, J., dissents.

O'Neill, J., not participating.

### **2017-0470. Skindell v. Madigan.**

Cuyahoga App. No. 103976, 2017-Ohio-398. Reported at 151 Ohio St.3d 1426, 2017-Ohio-8371, 84 N.E.3d 1064. On motion for reconsideration. Motion denied.

O'Connor, C.J., and O'Donnell, J., dissent.  
O'Neill, J., not participating.

**2017-0567. State ex rel. New Riegel Local School Dist. Bd. of Edn. v. Ohio School Facilities Comm.**

Seneca App. No. 13-16-22, 2017-Ohio-875. Reported at 151 Ohio St.3d 1454, 2017-Ohio-8842, 87 N.E.3d 222. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents, and would grant the motion for reconsideration and accept the cause on proposition of law Nos. I and II.

O'Neill, J., not participating.

**2017-0574. Madison St. Fishery, L.L.C. v. Zehringer.**

Erie App. No. E-16-038, 2017-Ohio-992. Reported at 151 Ohio St.3d 1454, 2017-Ohio-8842, 87 N.E.3d 222. On motion for reconsideration. Motion denied.

O'Donnell and French, JJ., dissent.

O'Neill, J., not participating.

**2017-0774. State v. Fetherolf.**

Union App. Nos. 14-16-10 and 14-16-11, 2017-Ohio-1316. Reported at 151 Ohio St.3d 1455, 2017-8842, 87 N.E.3d 222. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

**2017-1024. Kalbaugh v. Kalbaugh.**

Summit App. No. 28282, 2017-Ohio-4272. Reported at 151 Ohio St.3d 1424, 2017-Ohio-8371, 84 N.E.3d 1063. On motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.

O'Neill, J., not participating.

**2017-1044. West v. Wainwright.**

In Habeas Corpus. Reported at 150 Ohio St.3d 1450, 2017-Ohio-8136, 83 N.E.3d 937. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

**2017-1094. Bey v. McHale.**

In Mandamus. Reported at 151 Ohio St.3d 1449, 2017-Ohio-8842, 87 N.E.3d 218. On third amended motion for reconsideration. Motion denied. On amended motion to set aside judgment. Motion denied. On amended motion in error. Motion denied. On motion for jury trial. Motion denied.

O'Neill, J., not participating.

**2017-1193. State v. Dixon.**

Montgomery App. No. 21823. Reported at 151 Ohio St.3d 1429, 2017-Ohio-8371, 84 N.E.3d 1065. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

**2017-1242. State v. Taylor.**

Richland App. No. 16CA66, 2017-Ohio-4059. Reported at 151 Ohio St.3d 1424, 2017-Ohio-8371, 84 N.E.3d 1062. On motion for reconsideration. Motion fails for want of four votes.

Kennedy, French, and DeWine, JJ., would grant the motion.

O'Neill, J., not participating.

**2017-1363. State v. Fetherolf.**

Union App. No. 14-16-10, 2017-Ohio-1316. Reported at 151 Ohio St.3d 1458, 2017-Ohio-8842, 87 N.E.3d 224. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.

**2017-1369. State v. Wright.**

Carroll App. No. 15 CA 0907, 2017-Ohio-8549. Reported at 151 Ohio St.3d 1451, 2017-Ohio-8842, 87 N.E.3d 220. On motion for reconsideration. Motion denied.

O'Neill, J., not participating.