

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 3, 2019

[Cite as *04/03/2019 Case Announcements, 2019-Ohio-1205.*]

MERIT DECISIONS WITH OPINIONS

2018-1436. Disciplinary Counsel v. Rusu, Slip Opinion No. 2019-Ohio-1201.

On Certified Report by the Board of Professional Conduct, No. 2018-003. Robert Nathaniel Rusu Jr., Attorney Registration No. 0062431, last known address in Youngstown, Ohio, publicly reprimanded.

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

DeWine, J., not participating.

MOTION AND PROCEDURAL RULINGS

2019-0149. State v. Jeffries.

Cuyahoga App. No. 106889, 2018-Ohio-5039. 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 Fischer and Stewart, JJ., dissent.

2019-0152. State v. Kennedy.

Clark App. No. 2017-CA-100, 2018-Ohio-4997. 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.

2019-0157. State v. Norman.

Cuyahoga App. No. 105218, 2018-Ohio-2929. On motion for leave to file delayed

appeal. Motion denied.

Fischer and Donnelly, JJ., dissent.

Stewart, J., not participating.

2019-0164. State v. Smith.

Portage App. No. 2016-P-0074, 2018-Ohio-4799. 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 Stewart, J., dissent.

2019-0165. State v. Pearson.

Seneca App. No. 13-18-35. 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 Donnelly and Stewart, JJ., dissent.

2019-0168. State v. Lenard.

Cuyahoga App. Nos. 105342 and 105343, 2018-Ohio-4847. On motion for leave to file delayed appeal. Motion denied.

French, Fischer, and Donnelly, JJ., dissent.

2019-0169. State v. Luce.

Ashland App. No. 17-COA-037, 2018-Ohio-4409. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2019-0171. State v. King.

Cuyahoga App. No. 106709, 2018-Ohio-4780. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days. Appellant's motion requesting trial transcript denied.

Donnelly, J., would grant appellant's motion requesting trial transcript.

Fischer, J., dissents and would deny appellant's motion for delayed appeal and appellant's motion requesting trial transcript.

Stewart, J., dissents and would deny appellant's motion for delayed appeal and deny appellant's motion requesting trial transcript as moot.

2019-0197. State v. Lark.

Fayette App. No. CA2018-03-004, 2018-Ohio-4940. 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 Stewart, J., dissent.

2019-0228. State v. Walker.

Cuyahoga App. No. 106571, 2018-Ohio-5172. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and Donnelly, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2019-0049. State v. Nelson.

Champaign App. No. 2018-CA-5, 2018-Ohio-4763.

Kennedy and Donnelly, JJ., dissent.

2019-0084. Pivonka v. Sears.

Cuyahoga App. No. 106749, 2018-Ohio-4866.

O'Connor, C.J., and Donnelly and Stewart, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2018-1664. State v. Reed.

Montgomery App. No. 27824, 2018-Ohio-4047.

Donnelly and Stewart, JJ., dissent and would accept the cause on proposition of law No. I.

2018-1683. State v. Moore.

Franklin App. No. 18AP-127, 2018-Ohio-3882.

2018-1692. State v. Dixon.

Franklin App. No. 17AP-884, 2018-Ohio-3759.

2018-1739. State v. Ryan.

Delaware App. No. 18 CAA 01 0011.

Donnelly and Stewart, JJ., dissent.

2018-1816. Sheil v. Horton.

Cuyahoga App. No. 107329, 2018-Ohio-5240.

Kennedy and French, JJ., dissent.

Fischer, J., dissents and would accept the cause on proposition of law No. I.

2019-0030. State v. Persinger.

Morrow App. No. 2018 CA 0005, 2018-Ohio-4816.

2019-0031. State v. Nelson.

Cuyahoga App. No. 106798, 2018-Ohio-4794.

Stewart, J., not participating.

2019-0034. State v. Pearson.

Seneca App. No. 13-18-22.

2019-0037. State v. Churchill.

Muskingum App. No. CT2018-0078.

2019-0039. State v. Farley.

Franklin App. No. 18AP-280, 2018-Ohio-4986.

2019-0041. Mathews v. Dept. of Transp.

Franklin App. No. 18AP-663.

2019-0043. State v. Reffitt.

Muskingum App. No. CT2018-0017, 2018-Ohio-4364.

DeWine, J., dissents.

2019-0047. State v. Hertel.

Delaware App. No. 18 CAA 07 0049, 2018-Ohio-5002.

2019-0048. State v. Lenard.

Cuyahoga App. Nos. 105342 and 105343, 2018-Ohio-4847.

2019-0050. State v. Henderson.

Mahoning App. No. 16 MA 0057, 2018-Ohio-5124.

2019-0051. State v. Smith.

Muskingum App. No. CT2017-0044, 2018-Ohio-2366.

2019-0055. Mauntel v. Norwood.

Hamilton App. No. C-170635, 2018-Ohio-4756.
Fischer and Donnelly, JJ., dissent.

2019-0057. State ex rel. Olmsted Falls v. Bowman.

Cuyahoga App. Nos. 106615 and 107150, 2018-Ohio-4862.
Stewart, J., not participating.

2019-0059. State v. Bozek.

Portage App. No. 2017-P-0028, 2018-Ohio-4945.

2019-0060. State v. Young.

Cuyahoga App. No. 106843, 2018-Ohio-4892.
Stewart, J., not participating.

2019-0062. Martell v. Martell.

Stark App. No. 2018CA00017, 2018-Ohio-4927.

2019-0067. State v. Bauman.

Columbiana App. No. 17 CO 0016, 2018-Ohio-4913.

2019-0069. Hoover Kacyon, L.L.C. v. Martell.

Stark App. No. 2018CA00018, 2018-Ohio-4928.
Fischer, J., dissents.

2019-0073. U.S. Bank Natl. Assn. v. Mitchell.

Montgomery App. No. 27984, 2018-Ohio-4887.

2019-0074. State v. Butcher.

Portage App. No. 2016-P-0062, 2018-Ohio-4943. Appellant's motion for leave to supplement memorandum in support of jurisdiction denied.

Fischer, J., would grant appellant's motion for leave to supplement memorandum in support of jurisdiction.

2019-0075. State v. Teets.

Pickaway App. No. 17CA21, 2018-Ohio-5019.

2019-0079. State v. Bridges.

Cuyahoga App. No. 106653, 2018-Ohio-4113.
Stewart, J., not participating.

2019-0080. State v. Vance.

Jackson App. No. 18CA2, 2018-Ohio-5344. Appellant's request for oral argument denied.

French, J., would deny appellant's request for oral argument as moot.

2019-0083. Davis v. Davis.

Butler App. No. CA2018-01-018, 2018-Ohio-4935.

2019-0089. State v. Barga.

Shelby App. No. 17-17-14, 2018-Ohio-2804. Appellant's motion to stay proceedings denied.

2019-0091. State v. Wilson.

Allen App. No. 1-18-47.

Stewart, J., dissents.

2019-0092. State v. Scott.

Cuyahoga App. No. 106863, 2018-Ohio-4894.

Stewart, J., not participating.

2019-0095. Moehrman v. Moehrman.

Franklin App. No. 18AP-304, 2018-Ohio-5106.

2019-0096. State v. Hurt.

Miami App. No. 2018-CA-7, 2018-Ohio-5161.

2019-0098. State v. Kitchen.

Ross App. No. 18CA3640.

2019-0100. Benton Village Condominium Owners Assn., Inc. v. Bridge.

Cuyahoga App. No. 106892, 2018-Ohio-4896.

Stewart, J., not participating.

2019-0132. Hopson v. Delatore.

Mahoning App. No. 18 MA 0053, 2018-Ohio-5396.

Stewart, J., dissents.

2019-0142. Jones v. Natural Essentials, Inc.

Portage App. No. 2018-P-0010, 2018-Ohio-5071.

2019-0144. State v. Sieng.

Franklin App. No. 18AP-39, 2018-Ohio-5103.

2019-0156. In re L.C.C.

Franklin App. No. 18AP-167, 2018-Ohio-4617.

Fischer, Donnelly, and Stewart, JJ., dissent.

2019-0159. State v. Abdullahi.

Franklin App. No. 18AP-222, 2018-Ohio-5146.

2019-0183. State v. Bogan.

Cuyahoga App. No. 106183.

O'Connor, C.J., dissents.

2019-0186. Harrah v. Mike Enyart & Sons, Inc.

Lawrence App. No. 18CA8, 2019-Ohio-64. Appellant's motion for stay denied.

O'Connor, C.J., would deny appellant's motion for stay as moot.

Fischer, J., dissents and would accept the cause and grant appellant's motion for stay.

2019-0195. State v. Bulger.

Cuyahoga App. No. 106516, 2018-Ohio-5346.

Stewart, J., not participating.

2019-0198. State v. Washington.

Lorain App. No. 18CA011250, 2018-Ohio-5271.

2019-0202. State v. Harris.

Butler App. No. CA2018-02-037, 2018-Ohio-5292.

French and Donnelly, JJ., dissent.

2019-0206. Pack v. Pack.

Lawrence App. No. 18CA5, 2018-Ohio-5414.

Fischer, J., dissents.

2019-0218. State v. Najjar.

Cuyahoga App. No. 106802, 2018-Ohio-5348.

RECONSIDERATION OF PRIOR DECISIONS

2018-1497. State v. Lester.

Cuyahoga App. No. 105992, 2018-Ohio-5154. Reported at 154 Ohio St.3d 1479, 2019-Ohio-173, 114 N.E.3d 1207. On motion for reconsideration. Motion denied.

French, J., dissents.

Stewart, J., not participating.

2018-1510. State v. Hundley.

Cuyahoga App. No. 106235, 2018-Ohio-3566. Reported at 154 Ohio St.3d 1479, 2019-Ohio-173, 114 N.E.3d 1207. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

2018-1534. State v. Smith.

Seneca App. No. 13-17-38. Reported at 154 Ohio St.3d 1497, 2019-Ohio-266, 116 N.E.3d 152. On motion for reconsideration. Motion denied.

2018-1615. In re B.D.

Delaware App. Nos. 18 CAF 01 0003 and 18 CAF 01 0004, 2018-Ohio-3945. Reported at 154 Ohio St.3d 1482, 2019-Ohio-173, 114 N.E.3d 1208. On motion for reconsideration. Motion denied.

2018-1682. State v. Johnson.

Hamilton App. No. C-170371, 2018-Ohio-4131. Reported at 154 Ohio St.3d 1496, 2019-Ohio-221, 116 N.E.3d 151. On motion for reconsideration. Motion denied.

French, DeWine, and Stewart, JJ., dissent.

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