

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 17, 2019

[Cite as *04/17/2019 Case Announcements, 2019-Ohio-1421.*]

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## MOTION AND PROCEDURAL RULINGS

### **2019-0261. State v. Gibson.**

Lucas App. No. L-17-1212, 2018-Ohio-4454. 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.

### **2019-0266. State v. Linder.**

Cuyahoga App. No. 106600, 2018-Ohio-3951. 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 DeWine, J., dissent.

### **2019-0287. State v. Lynn.**

Butler App. No. CA2017-08-129, 2018-Ohio-3335. 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 DeWine and Stewart, JJ., dissent.

## APPEALS ACCEPTED FOR REVIEW

### **2019-0119. State v. Johnson.**

Cuyahoga App. No. 106322, 2018-Ohio-5029. Cause accepted and held for the decision in 2017-1703, *State v. Dangler*.

Fischer and DeWine, JJ., dissent.

**2019-0141. State v. Floyd.**

Hamilton App. Nos. C-170607, C-170608, and C-170609, 2018-Ohio-5107.  
Appellant's motion for stay denied.

French, Fischer, and Stewart, JJ., dissent and would not accept the appeal.  
Kennedy and DeWine, JJ., would grant the motion for stay.

**2019-0182. State v. Henderson.**

Cuyahoga App. No. 106308, 2018-Ohio-5155.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1659. State v. Little.**

Lucas App. No. L-17-1008, 2018-Ohio-2864.

**2018-1662. State v. Phillips.**

Mahoning App. No. 15 MA 0218, 2018-Ohio-3732.

**2019-0036. Sharp v. Miller.**

Jefferson App. No. 17 JE 0022, 2018-Ohio-4740. Appeal and cross-appeal not accepted.

Kennedy, J., dissents and would accept the appeal and cross-appeal.  
Fischer, J., dissents and would accept the appeal.

**2019-0101. State v. Dellifield.**

Hardin App. No. 6-18-06, 2018-Ohio-4919.

**2019-0105. Neuhart v. TransAtlantic Energy Corp.**

Noble App. No. 17 NO 0449, 2018-Ohio-5115. First and second appeals not accepted.

Kennedy, French, and Stewart, JJ., dissent.

**2019-0112. State v. Hernandez.**

Cuyahoga App. No. 106577, 2018-Ohio-5031.

Stewart, J., not participating.

**2019-0113. State v. B.J.**

Cuyahoga App. No. 107050, 2018-Ohio-5358.

**2019-0114. Cleveland Hts. v. Martin.**

Cuyahoga App. No. 107994.

**2019-0115. State v. Billiter.**

Monroe App. No. 17 MO 0019, 2018-Ohio-5424.

**2019-0122. Ahmad v. Ain.**

Franklin App. No. 17AP-766, 2018-Ohio-5100. Appellee's motion for sanctions denied.

**2019-0123. Dayton Children's Hosp. v. Garrett Day, L.L.C.**

Montgomery App. No. 28047.

**2019-0124. In re C.D.**

Franklin App. No. 17AP-744, 2018-Ohio-4509.

Kennedy and Stewart, JJ., dissent.

**2019-0125. State v. James.**

Cuyahoga App. No. 106661, 2018-Ohio-5033.

Donnelly, J., not participating.

**2019-0127. Reliable Staffing Resources v. Hayton.**

Franklin App. No. 18AP-237, 2018-Ohio-4985.

**2019-0130. State v. Emerine.**

Trumbull App. No. 2018-T-0064, 2018-Ohio-5338.

**2019-0143. State v. Wolford-Lee.**

Lake App. Nos. 2017-L-122, 2017-L-123, 2017-L-124, and 2017-L-125, 2018-Ohio-5064.

**2019-0146. State v. Finfrock.**

Allen App. No. 1-18-42, 2018-Ohio-5057. Appellant's motion for all audio- and videotape footage and motion for suspension of sentence and determination of O.R. bond denied.

**2019-0147. State v. Anderson.**

Trumbull App. No. 2017-T-0116, 2018-Ohio-5067.

**2019-0151. U.S. Bank Natl. Assn. v. Columbia Park E. MHP, L.L.C.**

Cuyahoga App. No. 106910, 2018-Ohio-5234.

Stewart, J., not participating.

**2019-0153. State v. Snyder.**

Muskingum App. No. CT2017-0090, 2018-Ohio-5168.

Donnelly, J., dissents.

**2019-0154. Clay v. Shriver Allison Courtly Co.**

Mahoning App. No. 17 MA 0003, 2018-Ohio-5406. Appellant's motion to consolidate denied.

**2019-0155. State v. Smith.**

Muskingum App. No. CT2017-0066, 2018-Ohio-5121.

**2019-0160. Moran v. Lewis.**

Cuyahoga App. No. 106634, 2018-Ohio-4423.

Fischer and Donnelly, JJ., dissent.

**2019-0162. Pincus v. Pincus.**

Cuyahoga App. No. 106845, 2018-Ohio-5231.

**2019-0163. State v. Wilson.**

Delaware App. No. 18CAA040035, 2018-Ohio-5167.

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

**2019-0173. State v. Watkins.**

Franklin App. Nos. 13AP-133 and 13AP-134, 2018-Ohio-5137.

Donnelly, J., dissents.

**2019-0175. Bresler v. Rock.**

Franklin App. No. 16AP-806, 2018-Ohio-5138.

**2019-0176. Morton v. Murray.**

Cuyahoga App. No. 106759, 2018-Ohio-5178.

Stewart, J., not participating.

**2019-0177. Edvon v. Morales.**

Cuyahoga App. No. 106448, 2018-Ohio-5171.  
Kennedy and Donnelly, JJ., dissent.

**2019-0179. State v. Williams.**

Lucas App. No. L-17-1148, 2018-Ohio-5202.

**2019-0180. Triple Diamond Trucking & Excavating, L.L.C. v. Trumbull Cty. Land Reutilization Corp.**

Trumbull App. No. 2018-T-0017, 2018-Ohio-5193.

**2019-0188. State v. Hall.**

Preble App. No. CA2018-07-006, 2018-Ohio-5300.

**2019-0190. State v. Brandon.**

Muskingum App. No. CT2017-0081.

**2019-0201. State v. Houdeshell.**

Hancock App. No. 5-18-02.

**2019-0224. R. L. Best Co. v. Testa.**

Mahoning App. No. 18MA0001.  
Kennedy and French, JJ., dissent.

**2019-0226. Banks v. Bur. of Workers' Comp.**

Franklin App. No. 17AP-748, 2018-Ohio-5246.

**2019-0227. State v. Taylor.**

Montgomery App. No. 27879, 2018-Ohio-4628.

Donnelly, J., dissents and would accept the cause on proposition of law No. II.

**2019-0244. Huntington Natl. Bank v. Anderson.**

Lorain App. No. 17CA011223, 2018-Ohio-3936.

**2019-0257. State v. Cephas.**

Hamilton App. No. C-180105, 2019-Ohio-52.

**2019-0272. State v. Davenport.**

Franklin App. No. 18AP-228, 2018-Ohio-3949.

**2019-0293. State v. Robinson.**

Summit App. No. 28982, 2019-Ohio-518.

French, J., dissents.

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

**2019-0309. State v. Spann.**

Cuyahoga App. No. 107530, 2019-Ohio-353.

**2019-0310. State v. Thomas.**

Hamilton App. No. C-170400, 2019-Ohio-132.

**2019-0318. State v. Clyde.**

Erie App. No. E-18-016, 2019-Ohio-302.

Donnelly, J., dissents.

**2019-0320. State v. Miller.**

Geauga App. No. 2017-G-0136, 2018-Ohio-4379.

**RECONSIDERATION OF PRIOR DECISIONS**

**2018-1489. U.S. Bank Natl. Assn. v. MMCO, L.L.C.**

Cuyahoga App. No. 107560. Reported at 154 Ohio St.3d 1500, 2019-Ohio-345, 116 N.E.3d 154. On motion for reconsideration. Motion denied.

French, J., dissents.

**2018-1705. State v. Richardson.**

Warren App. Nos. CA2018-04-043 and CA2018-04-044, 2018-Ohio-4254. Reported at 154 Ohio St.3d 1510, 2019-Ohio-601, 116 N.E.3d 1289. On motion for reconsideration. Motion denied.

French, Donnelly, and Stewart, JJ., dissent.

**2018-1724. Kelley v. Gerth.**

Franklin App. No. 18AP-487, 2018-Ohio-4080. Reported at 154 Ohio St.3d 1511, 2019-Ohio-601, 116 N.E.3d 1289. On motion for reconsideration. Motion denied.