

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

May 1, 2019

[Cite as *05/01/2019 Case Announcements*, 2019-Ohio-1536.]

---

## MERIT DECISIONS WITH OPINIONS

**2018-0695. State ex rel. Seabolt v. State Hwy. Patrol Retirement Sys., Slip Opinion No. 2019-Ohio-1594.**

Franklin App. No. 17AP-52, 2018-Ohio-1377. Judgment affirmed.

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

**2019-0251. State ex rel. Cleveland v. Russo, Slip Opinion No. 2019-Ohio-1595.**

In Prohibition. Writ granted. Respondent's motion to dismiss denied. Relator's motion for leave to inform the court of subsequent events relevant to motion to stay granted. Relator's motion for stay and motion to expedite briefing denied as moot.

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

## MOTION AND PROCEDURAL RULINGS

**2019-0313. State v. Lee.**

Crawford App. No. 3-10-11. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

**2019-0316. State v. Smedley.**

Montgomery App. No. 27889, 2018-Ohio-4629. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

**2019-0321. State v. Williams.**

Cuyahoga App. No. 106266, 2018-Ohio-3368. On motion for leave to file delayed appeal. Motion denied.

Stewart, J., not participating.

**2019-0333. State v. Hill.**

Henry App. No. 7-18-24, 2018-Ohio-4647. On motion for leave to file delayed appeal. Motion denied.

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

**2019-0335. State v. Black.**

Montgomery App. No. 27888, 2018-Ohio-4878. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine and Stewart, JJ., dissent.

**2019-0343. State v. Franklin.**

Summit App. No. 28983, 2018-Ohio-4687. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Donnelly, JJ., dissent.

**2019-0357. State v. Brown.**

Mahoning App. Nos. 17 MA 0140 and 18 MA 0065, 2018-Ohio-5128. On motion for leave to file delayed appeal. Motion denied.

Kennedy and Donnelly, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2019-0184. State v. Hartman.**

Cuyahoga App. No. 105159, 2018-Ohio-2641. Cause accepted on proposition of law No. I.

Kennedy, French, and Sadler, JJ., would accept the cause on both propositions of law.

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

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

**2019-0214. State v. Blake.**

Hocking App. No. 18CA6, 2018-Ohio-5413. Cause accepted and held for the decision in 2019-0049, *State v. Nelson*.

Donnelly, J., would not hold the cause.

Stewart, J., would not hold the cause and would appoint counsel.

Kennedy, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2018-1645. State v. McWay.**

Allen App. No. 1-17-42, 2018-Ohio-3618.

**2019-0193. State v. Bevins.**

Hamilton App. No. C-170544. Motion to issue order of clarity denied.

O'Connor, C.J., would determine that a conflict exists, as certified by the Court of Appeals for Hamilton County.

Fischer and DeWine, JJ., not participating.

**2019-0199. Drake v. Butler Cty. Bd. of Commrs.**

Butler App. No. CA2018-11-214.

**2019-0200. T.C. v. K.C.**

Noble App. Nos. 17 NO 0453 and 17 NO 0454, 2018-Ohio-5403.

Kennedy and Stewart, JJ., dissent.

**2019-0203. State v. Diestler.**

Lorain App. No. 17CA011106, 2018-Ohio-5263.

**2019-0205. State v. Ward.**

Cuyahoga App. Nos. 106912 and 107160, 2018-Ohio-5354.

**2019-0207. State v. Rice.**

Cuyahoga App. No. 106953, 2018-Ohio-5356.

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

**2019-0208. State v. Lawrence.**

Cuyahoga App. Nos. 100371 and 100387, 2019-Ohio-65.

**2019-0209. Gough Family Trust v. Vos.**

Columbiana App. No. 17 CO 0035, 2018-Ohio-5390.

**2019-0223. State v. Hoague.**

Delaware App. No. 18 CAA 02 0012, 2018-Ohio-4685.

**2019-0229. State v. Haddix.**

Stark App. No. 2018CA00149.

**2019-0231. Metal Seal Precision, Ltd. v. Good Time Outdoors, Inc.**

Lake App. No. 2017-L-142, 2018-Ohio-5326.

Kennedy and Fischer, JJ., dissent.

**2019-0238. State v. Smith.**

Cuyahoga App. No. 106893, 2019-Ohio-155.

Fischer and Donnelly, JJ., dissent.

**2019-0239. Eyajan v. Nesco Resource, L.L.C.**

Lake App. No. 2018-L-137, 2018-Ohio-5333.

**2019-0242. Hillman v. O'Shaughnessy.**

Franklin App. No. 16AP-521.

**2019-0243. State v. Perkins.**

Cuyahoga App. Nos. 106877 and 107155, 2019-Ohio-88.

**2019-0249. State v. Sanders.**

Stark App. No. 2018 CA 00004, 2019-Ohio-30.

**2019-0252. Unifund CCR Partners, Inc. v. Piaser.**

Ashtabula App. No. 2016-A-0076, 2019-Ohio-183.

Fischer, J., not participating.

**2019-0253. Havens v. Havens.**

Fayette App. No. CA2018-05-006, 2018-Ohio-4721.

**2019-0254. State v. Eckley.**

Ashland App. No. 18 COA 014, 2019-Ohio-6.

Stewart, J., dissents.

**2019-0255. State v. Zubaidah.**

Lorain App. No. 17CA011207, 2018-Ohio-3420.

**2019-0256. In re J.D.B.**

Portage App. No. 2017-P-0032, 2019-Ohio-408.

Fischer, J., dissents.

**2019-0262. State v. Pryor.**

Stark App. No. 2017CA00122, 2018-Ohio-2712.

**2019-0263. State v. Lindsay.**

Richland App. No. 18CA87, 2019-Ohio-157.

**2019-0300. State v. Cuthbert.**

Fairfield App. No. 18-CA-33, 2019-Ohio-96.

**2019-0302. State v. Lee.**

Richland App. No. 17CA99.

**2019-0326. State v. Lavette.**

Cuyahoga App. No. 106169, 2019-Ohio-145.

**2019-0331. State v. Whitman.**

Stark App. No. 2018CA00134, 2019-Ohio-377.

**2019-0332. State v. Hammock.**

Richland App. No. 18CA104, 2019-Ohio-127.

**2019-0337. State v. Bolling.**

Montgomery App. No. 27923, 2019-Ohio-227.

**2019-0342. State v. Jones.**

Clark App. No. 2018-CA-17, 2019-Ohio-238.

Fischer, J., dissents and would accept the appeal on proposition of law No. II.

**2019-0349. State v. Vang.**

Madison App. No. CA2018-06-017, 2019-Ohio-195.

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

**2019-0355. State v. Schaaf.**

Preble App. No. CA2018-03-004, 2019-Ohio-196.  
Donnelly, J., dissents.

**2019-0358. State v. Shine-Johnson.**

Franklin App. No. 17AP-194, 2018-Ohio-3347.  
French, Donnelly, and Stewart, JJ., dissent.

**2019-0360. State v. Weir.**

Ashtabula App. No. 2017-A-0039, 2018-Ohio-2827.

**2019-0361. State v. Martinez.**

Lucas App. Nos. L-17-1290 and L-18-1015, 2019-Ohio-305.

**2019-0375. State v. Powell.**

Cuyahoga App. No. 107006, 2019-Ohio-346.  
Donnelly, J., dissents.

**2019-0391. State v. Walker.**

Summit App. No. 29151, 2019-Ohio-605.

**2019-0401. State v. Melendez.**

Cuyahoga App. No. 106994, 2019-Ohio-533.

**RECONSIDERATION OF PRIOR DECISIONS**

**2018-1719. S. Euclid v. Turner.**

Cuyahoga App. No. 106642, 2018-Ohio-3798. Reported at 154 Ohio St.3d 1511, 2019-Ohio-601, 116 N.E.3d 1289. On motion for reconsideration. Motion denied.  
O'Connor, C.J., and Donnelly, J., dissent.  
French, J., dissents as to proposition of law No. I.

**2018-1720. State v. Amey.**

Cuyahoga App. No. 105847, 2018-Ohio-4207. Reported at 154 Ohio St.3d 1511, 2019-Ohio-601, 116 N.E.3d 1289. On amended motion for reconsideration. Motion denied.  
Donnelly and Stewart, JJ., dissent.  
French, J., dissents as to proposition of law Nos. I and II.

**2018-1726. State v. A.C.**

Guernsey App. No. 18 CA 1, 2018-Ohio-4366. Reported at 154 Ohio St.3d 1511, 2019-Ohio-601, 116 N.E.3d 1289. On motion for reconsideration. Motion denied.

French, J., dissents as to proposition of law Nos. I and II.

Donnelly, J., dissents.

**2018-1734. Hillman v. Franklin Cty. Police Officer.**

Franklin App. No. 18AP-67. Reported at 154 Ohio St.3d 1511, 2019-Ohio-601, 116 N.E.3d 1289. On motion for reconsideration. Motion denied.