

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 15, 2019

[Cite as *05/15/2019 Case Announcements*, 2019-Ohio-1759.]

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## MERIT DECISIONS WITH OPINIONS

**2017-0915. *State v. Romero*, Slip Opinion No. 2019-Ohio-1839.**

Stark App. No. 2016CA00201, 2017-Ohio-2950. Judgment affirmed and cause remanded.

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

Donnelly, J., concurs in judgment only, with an opinion.

Stewart, J., concurs in judgment only, with an opinion.

DeWine, J., dissents, with an opinion joined by Kennedy, J.

**2018-0068. *State ex rel. Martin v. Greene*, Slip Opinion No. 2019-Ohio-1827.**

In Mandamus. Writ denied as moot. Relator's request for an award of statutory damages and costs denied. Relator's "motion to accept affidavit and exhibits attached to his writ of mandamus action to support brief" denied as moot.

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

Kennedy, J., concurs in judgment only.

**2018-0950. *State ex rel. Shafer v. Wainwright*, Slip Opinion No. 2019-Ohio-1828.**

Marion App. No. 9-18-05. Judgment affirmed.

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

## MOTION AND PROCEDURAL RULINGS

### **2019-0399. State v. Everette.**

Cuyahoga App. No. 106389, 2018-Ohio-4853. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Donnelly, and Stewart, JJ., dissent.

### **2019-0417. State v. Shoecraft.**

Montgomery App. No. 27860, 2018-Ohio-3920. 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.

### **2019-0422. State v. Smith.**

Allen App. No. 1-17-50, 2018-Ohio-1444. On motion for leave to file delayed appeal. Motion denied.

### **2019-0443. State v. Michaels.**

Mahoning App. No. 17 MA 0122, 2019-Ohio-497. 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.

## APPEALS ACCEPTED FOR REVIEW

### **2019-0295. Bey v. Rasaweher.**

Mercer App. Nos. 10-18-02 and 10-18-03, 2019-Ohio-57. Appeal accepted on appellant's proposition of law No. II.

French, DeWine, and Donnelly, JJ., would accept the appeal on all propositions of law.

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

### **2019-0322. Wooster Floral & Gifts, L.L.C. v. Green Thumb Floral & Garden Ctr., Inc.**

Wayne App. No. 17AP0026, 2019-Ohio-63.

Kennedy and DeWine, JJ., dissent.

### **2019-0324. Put-in-Bay v. Mathys.**

Ottawa App. Nos. OT-18-006 and OT-18-007, 2019-Ohio-162.

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

## **APPEALS NOT ACCEPTED FOR REVIEW**

### **2018-1548. State v. Spaulding.**

Summit App. No. 28526, 2018-Ohio-3663.

### **2018-1767. State v. Hill.**

Stark App. No. 2017CA00183, 2018-Ohio-3901.

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

### **2018-1826. State v. Melton.**

Cuyahoga App. No. 107076, 2018-Ohio-4699.

Stewart, J., not participating.

### **2018-1851. State v. Mitchem.**

Jackson App. No. 17CA10, 2018-Ohio-4589.

### **2018-1852. State v. Lacey.**

Greene App. No. 2017-CA-63, 2018-Ohio-4145.

### **2019-0271. State v. Smith.**

Montgomery App. No. 27585, 2018-Ohio-2567.

### **2019-0275. State v. Smith.**

Delaware App. No. 18 CAA 11 0093.

### **2019-0276. Office of Collective Bargaining v. Ohio Civ. Serv. Emps. Assn., Local 11.**

Franklin App. No. 18AP-478, 2018-Ohio-5366.

### **2019-0278. Bledsoe-Baker v. Trotwood.**

Montgomery App. No. 28052, 2019-Ohio-45.

Kennedy, J., dissents.

Fischer, J., dissents and would accept the appeal on proposition of law Nos. I and II.

### **2019-0279. Ohio Dist. Council, Inc. of the Assemblies of God v. Speelman.**

Butler App. Nos. CA2018-02-025 and CA2018-02-031, 2018-Ohio-4388.

**2019-0281. State v. McRae.**

Shelby App. No. 17-17-23, 2018-Ohio-3435.

**2019-0282. State v. Menton.**

Mahoning App. No. 18 MA 0125.

**2019-0283. State v. Williams.**

Cuyahoga App. No. 106820, 2019-Ohio-69.

Stewart, J., dissents.

**2019-0285. State v. Hardnett.**

Cuyahoga App. No. 107038, 2019-Ohio-105.

Kennedy and Donnelly, JJ., dissent.

**2019-0289. State v. Robinson.**

Summit App. No. 29169. Appellee's motion to dismiss fails for want of four votes.

Kennedy, J., would deny appellee's motion to dismiss as moot.

Fischer, J., would not accept the appeal, on mootness grounds, and would grant appellee's motion to dismiss.

DeWine and Stewart, JJ., would grant appellee's motion to dismiss.

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

**2019-0291. State v. Tisdale.**

Trumbull App. No. 2017-T-0022, 2019-Ohio-73.

**2019-0292. State v. Messenger.**

Marion App. No. 9-18-46.

**2019-0294. SMS Fin. XXVI, L.L.C. v. Waxman Chabad Ctr.**

Cuyahoga App. No. 106037, 2018-Ohio-4851.

**2019-0296. Kilbarger v. Kilbarger.**

Hocking App. No. 18CA14, 2019-Ohio-247.

Kennedy, French, and Donnelly, JJ., dissent.

**2019-0297. State v. Morris.**

Ross App. No. 18CA3638, 2019-Ohio-248.

Kennedy and Donnelly, JJ., dissent.

**2019-0298. Williams v. Strand Theatre & Cultural Arts Assn., Inc.**

Delaware App. No. 18 CAE 06 0042, 2019-Ohio-95.

Donnelly, J., dissents.

**2019-0301. State v. Hazel.**

Clark App. No. 2018-CA-39, 2018-Ohio-5274.

**2019-0304. Pearsall v. Guernsey.**

Hancock App. No. 5-18-14.

**2019-0305. Rose v. Tievsky.**

Montgomery App. No. 28184.

**2019-0306. Ogburn v. Toledo.**

Lucas App. No. L-18-1045, 2019-Ohio-163.

**2019-0308. Gridiron v. Cleveland Clinic Found.**

Cuyahoga App. No. 107009, 2019-Ohio-167.

**2019-0311. Grubb & Assocs., L.P.A. v. Sandor.**

Summit App. No. 29089, 2019-Ohio-128.

**2019-0312. In re K.P.**

Cuyahoga App. No. 107577, 2019-Ohio-181.

**2019-0314. Rose v. Primc.**

Montgomery App. No. 28186.

**2019-0317. State v. Wright.**

Sandusky App. Nos. S-17-055 and S-17-056, 2019-Ohio-165.

Donnelly and Stewart, JJ., dissent.

**2019-0327. State v. Braddy.**

Lucas App. Nos. L-17-1302 and L-17-1303, 2018-Ohio-4904.

Donnelly and Stewart, JJ., dissent.

**2019-0328. State v. Walker-Curry.**

Cuyahoga App. No. 106228, 2019-Ohio-147.

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

**2019-0329. State v. Salti.**

Cuyahoga App. No. 106834, 2019-Ohio-149.

Donnelly, J., not participating.

**2019-0330. Nunn v. Ohio Dept. of Ins.**

Franklin App. No. 18AP-114, 2018-Ohio-4030. Appellant's motion to present additional information in support of this case denied.

Kennedy and Stewart, JJ., would deny the motion as moot.

**2019-0336. State v. Juan.**

Franklin App. No. 18AP-343, 2019-Ohio-281.

**2019-0340. State v. Levine.**

Washington App. No. 18CA19, 2019-Ohio-265.

O'Connor, C.J., dissents and would accept the appeal on proposition of law No. II.

Donnelly, J., dissents.

**2019-0354. State v. Dabney.**

Hamilton App. No. C-160821.

Fischer and DeWine, JJ., not participating.

**2019-0359. State v. Massey.**

Lake App. No. 2018-L-038, 2019-Ohio-332.

**2019-0363. State v. Buehner.**

Cuyahoga App. No. 106319, 2018-Ohio-4432.

Kennedy and Fischer, JJ., dissent.

**2019-0380. In re L.S.**

Ottawa App. No. OT-18-013, 2018-Ohio-5005.

French, J., dissents.

**2019-0382. Sekulovski v. Ohio Real Estate Comm.**

Franklin App. No. 18AP000235.

**2019-0384. State v. Gaffin.**

Adams App. No. 17CA1057, 2019-Ohio-291.

**2019-0387. State v. Devore.**

Ashland App. No. 18-COA-011, 2018-Ohio-4189. Appellant’s “motion, order for relief, pursuant to S.Ct.Prac.R. 4.01(A)(1)” denied.

**2019-0388. State v. Nichter.**

Franklin App. No. 18AP-230, 2019-Ohio-279.  
French and Donnelly, JJ., dissent.

**2019-0394. State v. Harwell.**

Montgomery App. No. 28104, 2019-Ohio-643.

**2019-0406. State v. Lute.**

Scioto App. No. 19CA3865.

**2019-0426. State v. Ramey.**

Clark App. No. 2017-CA-99, 2019-Ohio-398.

**2019-0435. State v. Reid.**

Cuyahoga App. No. 106944, 2019-Ohio-531.

**2019-0436. State v. Vaughn.**

Cuyahoga App. No. 107746, 2019-Ohio-798.

**2019-0445. State v. Young.**

Hamilton App. No. C-170628, 2019-Ohio-134.  
Fischer and DeWine, JJ., not participating.

**2019-0446. State v. Kinney.**

Cuyahoga App. No. 106952, 2019-Ohio-629.

**2019-0452. State v. Hawkins.**

Franklin App. No. 18AP-600, 2019-Ohio-562.

**2019-0460. State v. Creachbaum.**

Clark App. No. 2018-CA-16, 2019-Ohio-566.

**2019-0472. Alford v. Ohio State Univ. Wexner Med. Ctr.**

Franklin App. No. 18AP-220, 2019-Ohio-486.

## RECONSIDERATION OF PRIOR DECISIONS

### **2018-0499. State ex rel. Demellweek v. Indus. Comm.**

Franklin App. No. 16AP-874, 2018-Ohio-714. Reported at 155 Ohio St.3d 1403, 2019-Ohio-943, 119 N.E.3d 431. On motion for reconsideration. Motion denied.

### **2018-0621. State ex rel. Dixon v. Coleman.**

Lucas App. No. L-18-1042. Reported at \_\_\_ Ohio St.3d \_\_\_, 2019-Ohio-716, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

### **2018-0685. State ex rel. Allen v. Goulding.**

Lucas App. No. L-18-1075, 2018-Ohio-1821. Reported at \_\_\_ Ohio St.3d \_\_\_, 2019-Ohio-858, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

### **2018-0926. State ex rel. White v. Tepe.**

Warren App. No. CA2018-03-034. Reported at \_\_\_ Ohio St.3d \_\_\_, 2019-Ohio-760, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

### **2018-1797. Ford Motor Credit Co. v. Ryan & Ryan, Inc.**

Franklin App. Nos. 17AP-375 and 17AP-304, 2018-Ohio-3960. Reported at 154 Ohio St.3d 1521, 2019-Ohio-769, 118 N.E.3d 258. On motion for reconsideration. Motion denied.

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

French, J., not participating.

### **2018-1809. State ex rel. Lawson v. Coss.**

In Prohibition. Reported at 154 Ohio St.3d 1518, 2019-Ohio-768, 118 N.E.3d 256. On motion for reconsideration. Motion denied.

### **2018-1818. Riehm v. Green Springs Rural Volunteer Fire Dept.**

Seneca App. No. 13-18-15, 2018-Ohio-4075. Reported at 154 Ohio St.3d 1521, 2019-Ohio-769, 118 N.E.3d 258. On motion for reconsideration. Motion denied.

French and Donnelly, JJ., dissent as to proposition of law No. I.

## DISCIPLINARY CASES

### **2018-1178. Disciplinary Counsel v. Tinch.**



On respondent's objections and relator's answer to the Board of Professional Conduct's certification of default. Matter remanded to the board for the consideration of mitigating evidence only. The court further orders that the interim default suspension imposed against respondent on September 20, 2018, shall remain in place while this matter is pending before the board. Proceedings before this court are stayed until further order of this court.

French and Donnelly, JJ., concur in part and dissent in part and would remand the matter to the board for a formal hearing on the complaint.

**2019-0571. In re Resignation of Thomas.**

On application for retirement or resignation of Mark Alan Thomas, Attorney Registration No. 0037922, last known business address in St. Clairsville, Ohio. Resignation accepted with disciplinary action pending.