

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 21, 2020

[Cite as *01/21/2020 Case Announcements, 2020-Ohio-122.*]

MOTION AND PROCEDURAL RULINGS

2019-1482. State v. Whitaker.

Cuyahoga C.P. No. CR-17-614021-A. On motion for leave to file delayed appeal. Motion granted. The parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

2019-1530. State v. Harrop.

Fayette App. No. CA2018-12-028, 2019-Ohio-3230. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2019-1534. State v. Brown.

Columbiana App. No. 18 CO 0025, 2019-Ohio-2717. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2019-1554. State v. Ridenbaugh.

Licking App. No. 18-CA-96, 2019-Ohio-3564. On motion for leave to file delayed appeal. Motion denied.

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

2019-1572. State v. Taylor.

Fayette App. No. CA2018-11-021, 2019-Ohio-3437. 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.

2019-1591. State v. Ranson.

Franklin App. No. 18AP-841, 2019-Ohio-2140. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2019-1601. State v. Knox.

Lorain App. No. 17CA011233, 2019-Ohio-2265. On motion for leave to file delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1603. State v. Johnson.

Lucas App. No. L-18-1222, 2019-Ohio-3813. On motion for leave to file delayed appeal. Motion denied.

French and Fischer, JJ., dissent.

2019-1619. State v. Cook.

Auglaize App. No. 2-18-21, 2019-Ohio-3610. 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.

2019-1621. State v. Hope.

Trumbull App. No. 2018-T-0053, 2019-Ohio-2174. On motion for leave to file delayed appeal. Motion denied.

2019-1625. State v. Young.

Erie App. No. E-18-042, 2019-Ohio-3819. On motion for leave to file delayed appeal. Motion denied.

French and Fischer, JJ., dissent.

2019-1631. State v. Williams.

Montgomery App. No. 27919, 2019-Ohio-4105. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Stewart, J., would also appoint counsel.

Kennedy, J., dissents.

2019-1632. State v. Latham.

Hamilton App. No. C-170571. On motion for leave to file delayed appeal. Motion denied.

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

2019-1633. State v. Jackson.

Stark App. No. 2019CA00136. On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2019-1410. State v. Chapman.

Lorain App. No. 18CA011377, 2019-Ohio-3535.

Kennedy, J., dissents.

2019-1411. State v. Anderson.

Lorain App. No. 18CA011376, 2019-Ohio-3534. Sua sponte, cause held for the decision in 2019-1410, *State v. Chapman*.

Stewart, J., would not hold the cause.

Kennedy, J., dissents.

2019-1429. State v. Clipps.

Cuyahoga App. No. 107747, 2019-Ohio-3569. Appeal accepted and cross-appeal not accepted. Sua sponte, cause held for the decision in 2019-0606, *State v. Townsend*.

Kennedy, J., would not accept the appeal.

Donnelly and Stewart, JJ., would accept the cross-appeal.

2019-1430. State v. Dowdy.

Cuyahoga App. No. 107844, 2019-Ohio-3570.

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

2019-1460. State v. Smith.

Cuyahoga App. No. 107956, 2019-Ohio-3769. Sua sponte, cause held for the decision in 2019-0948, *State v. Miller*.

2019-1481. Welsh-Huggins v. Office of the Jefferson Cty. Pros. Atty.

Jefferson App. No. 19 JE 0005, 2019-Ohio-3967.

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

2019-1485. In re S.M.

Logan App. Nos. 8-18-46, 8-18-47, 8-18-55, and 8-18-56. Appeal accepted on proposition of law No. I and cause held for the decision in 2018-1842, *In re N.M.P.*

Kennedy, J., would accept the appeal on both propositions of law and would not hold the cause.

French and DeWine, JJ., dissent.

2019-1494. West v. Bode.

Monroe App. No. 18 MO 0017, 2019-Ohio-4092.

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

2019-1498. Rayco Mfg., Inc. v. Murphy, Rogers, Sloss & Gambel.

Cuyahoga App. No. 106714, 2018-Ohio-4782.

DeWine, J., would accept the appeal on proposition of law Nos. I through III only.

Donnelly, J., dissents.

Stewart, J., not participating.

2019-1510. State v. Reed.

Cuyahoga App. No. 108498, 2019-Ohio-4471.

DeWine and Donnelly, JJ., would hold the cause for the decision in 2019-1430, *State v. Dowdy*.

Stewart, J., would also appoint counsel.

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

2019-1646. State v. Adams.

Cuyahoga App. No. 108083, 2019-Ohio-4259. Sua sponte, cause held for the decision in 2018-0444, *State v. Jones*.

Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0973. State v. King.

Warren App. No. CA2018-04-047, 2019-Ohio-833.
Donnelly, J., dissents.

2019-1188. State v. Ross.

Ottawa App. No. OT-19-008.

2019-1268. Medina Cty. Law Library Resources Bd. v. RELX, Inc.

Medina App. No. 19CA0019-M.
Kennedy, J., dissents.

2019-1303. Verhoff v. Verhoff.

Allen App. No. 1-18-66, 2019-Ohio-3836.

2019-1397. State v. Lane.

Cuyahoga App. No. 109022.

2019-1398. State v. Martre.

Allen App. No. 1-19-49.

2019-1404. State v. Perry.

Cuyahoga App. No. 108258, 2019-Ohio-3668.

2019-1413. Nau v. Stonebridge Operating Co., L.L.C.

Noble App. No. 19 NO 0466, 2019-Ohio-3647.
Kennedy, J., dissents.

2019-1416. State v. Crockett.

Cuyahoga App. No. 108091, 2019-Ohio-3665.
Stewart, J., not participating.

2019-1417. State v. Newton.

Cuyahoga App. No. 107195, 2019-Ohio-3566.

2019-1419. State v. Elliott.

Hamilton App. No. C-180294, 2019-Ohio-3594.

2019-1420. State v. Sanderson.

Montgomery App. No. 28149, 2019-Ohio-3589.

2019-1424. State v. Skatzes.

Montgomery App. No. 28212, 2019-Ohio-3590.

2019-1426. State v. Truss.

Franklin App. No. 18AP-147, 2019-Ohio-3579.

2019-1427. In re S.M.B.

Franklin App. No. 17AP-899, 2019-Ohio-3578.

2019-1431. State v. Jones.

Wood App. No. WD-18-042, 2019-Ohio-3602.

2019-1434. Anderson v. Jancoa Janitorial Servs.

Butler App. No. CA2019-01-018, 2019-Ohio-3617.

Donnelly, J., dissents.

2019-1435. Sohi v. Sycamore Twp. Bd. of Trustees.

Hamilton App. No. C-180288.

2019-1436. In re D.T.

Summit App. No. 29516.

2019-1437. State v. Moscoso.

Muskingum App. No. CT2018-0012, 2018-Ohio-2877.

2019-1439. State v. Smith.

Hamilton App. No. C-180081, 2019-Ohio-3642.

Fischer and DeWine, JJ., not participating.

2019-1441. State v. Lewis.

Knox App. No. 19 CA 000001, 2019-Ohio-3630.

Donnelly, J., dissents.

2019-1443. State v. Cook.

Fairfield App. No. 18-CA-43, 2019-Ohio-3650.

2019-1445. Meinerding v. Coldwater Exempted Village School Dist. Bd. of Edn.

Mercer App. No. 10-19-06, 2019-Ohio-3611.

Donnelly, J., dissents.

2019-1448. Korengel v. Little Miami Golf Ctr.

Hamilton App. No. C-180416, 2019-Ohio-3681.

Kennedy, J., dissents.

Fischer and DeWine, JJ., not participating.

2019-1449. Ayers v. KCI Technologies, Inc.

Portage App. No. 2018-P-0087, 2019-Ohio-3614.

Kennedy, French, and Fischer, JJ., dissent.

2019-1458. Hiss v. Perkins Local School Dist. Bd. of Edn.

Erie App. No. E-18-034, 2019-Ohio-3703.

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

2019-1461. Dunlop v. Dept. of Job & Family Servs.

Franklin App. No. 19AP-58, 2019-Ohio-3632.

2019-1462. State v. Baskerville.

Summit App. No. 29327, 2019-Ohio-3639.

2019-1467. State v. Green.

Wood App. No. WD-18-029, 2019-Ohio-1176.

2019-1473. Harris v. Certificate of Qualification of Emp. Petition.

Cuyahoga App. No. 107828, 2019-Ohio-3658.

Kennedy and Fischer, JJ., dissent.

2019-1474. State v. Mathis.

Cuyahoga App. No. 107365, 2019-Ohio-3654.

Donnelly, J., dissents.

2019-1475. McQuistan v. State.

Medina App. No. 18CA0104-M, 2019-Ohio-3612.

2019-1480. State v. Brown.

Preble App. No. CA2016-07-006, 2017-Ohio-4231.

Donnelly, J., dissents and would appoint counsel.

2019-1484. State v. Austin.

Mahoning App. No. 16MA0068.

2019-1486. State v. Powell.

Ashland App. No. 19-COA-022, 2019-Ohio-3858.

2019-1487. Putnam Cty. Bd. of Commrs. v. Maag.

Putnam App. No. 12-19-02, 2019-Ohio-3720.

2019-1488. Putnam Cty. Bd. of Commrs. v. Weis.

Putnam App. No. 12-19-01, 2019-Ohio-3720.

2019-1489. Putnam Cty. Bd. of Commrs. v. Patrick Bros.

Putnam App. Nos. 12-18-11 and 12-18-12, 2019-Ohio-3722.

2019-1491. McHugh v. Fraser.

Jefferson App. No. 18-JE-0020, 2019-Ohio-3733.

Donnelly, J., dissents.

2019-1500. Murray v. Auto-Owners Ins. Co.

Erie App. No. E-18-060, 2019-Ohio-3816.

2019-1501. Cincinnati v. Triton Servs., Inc.

Hamilton App. No. C-170705, 2019-Ohio-3108.

DeWine, J., not participating.

2019-1503. State v. Moore.

Ashtabula App. No. 2018-A-0050.

2019-1508. In re L.B.S.

Wayne App. Nos. 18AP0010 and 18AP007.

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

2019-1513. State v. Keller.

Delaware App. No. 18CAA090075, 2019-Ohio-3857.

2019-1514. State v. Reese.

Muskingum App. No. CT2019-0033, 2019-Ohio-3453.

2019-1516. Baker v. Al Sobb Automotive Serv.

Lucas App. No. L-18-1141.

2019-1517. State v. Group.

Mahoning App. No. 18 MA 0098, 2019-Ohio-3958.

Donnelly, J., dissents.

2019-1518. State v. Thundercloud.

Muskingum App. No. CT2018-0048, 2019-Ohio-2471.

French, J., dissents.

2019-1519. State v. Williams.

Butler App. No. CA2018-10-205, 2019-Ohio-3829.

2019-1520. State v. Millhouse.

Crawford App. No. 3-19-06.

French, J., dissents.

2019-1521. McCullough v. Youngstown City School Dist.

Mahoning App. No. 18 MA 0075, 2019-Ohio-3965.

2019-1523. State v. George.

Medina App. No. 19CA0037-M, 2019-Ohio-3823.

2019-1525. Y.H. v. C.C.

Cuyahoga App. No. 108175, 2019-Ohio-4066.

2019-1527. Estate of Ciotto v. Hinkle.

Huron App. No. H-2018-11.

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

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

2019-1528. State v. August.

Warren App. No. CA2018-12-136, 2019-Ohio-4126.

2019-1536. State v. George.

Summit App. No. CA29292.

2019-1539. State v. Orozco-Islas.

Stark App. No. 2019CA00127.

2019-1548. State v. Hill.

Montgomery App. No. 28110, 2019-Ohio-3921.

2019-1568. State v. Schmidt.

Lake App. No. 2018-L-068, 2019-Ohio-3990.

2019-1570. State v. Adams.

Mahoning App. No. 18 MA 0116, 2019-Ohio-4090.

2019-1571. State v. Greene.

Franklin App. No. 17AP-238, 2019-Ohio-4010.

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

2019-1574. State v. Bolling.

Montgomery App. No. 28321, 2019-Ohio-4093.

Donnelly, J., dissents and would appoint counsel.

2019-1575. State v. Marques.

Franklin App. No. 17AP-849, 2019-Ohio-42.

French, J., not participating.

2019-1577. State v. Hunt.

Cuyahoga App. No. 107125, 2019-Ohio-4053.

Donnelly, J., dissents.

2019-1580. Jacobs v. Dye Oil, L.L.C.

Monroe App. No. 18 MO 0020, 2019-Ohio-4085.

French, J., dissents and would remand the cause for application of *Browne v. Artex Oil Co.*, __ Ohio St.3d __, 2019-Ohio-4809, __ N.E.3d __.

2019-1586. Harrison v. Horizon Women's Healthcare, L.L.C.

Montgomery App. No. CA 28154, 2019-Ohio-3528.

2019-1590. State ex rel. Zamborsky v. Ohio Bd. of Embalmers & Funeral Dirs.

Franklin App. No. 18AP-768, 2019-Ohio-4016.

French, J., dissents.

2019-1593. State v. Rockey.

Clark App. No. 2018-CA-98, 2019-Ohio-4101.

2019-1596. State v. Fetherolf.

Union App. No. 14-19-23.

Donnelly, J., dissents and would appoint counsel.

2019-1608. State v. Minifee.

Cuyahoga App. No. 108331, 2019-Ohio-4464.

2019-1609. State v. Taylor.

Cuyahoga App. No. 108320, 2019-Ohio-4357.

Stewart, J., not participating.

2019-1629. State v. McClellan.

Highland App. No. 18CA0011.

Donnelly, J., dissents.

2019-1637. State v. Bevins.

Hamilton App. No. C-190218.

Donnelly, J., dissents and would appoint counsel.

Fischer and DeWine, JJ., not participating.

2019-1643. State v. Hale.

Summit App. No. 29096, 2019-Ohio-3466.

2019-1649. State v. Owens.

Wayne App. No. 19AP0051.

RECONSIDERATION OF PRIOR DECISIONS

2018-0237. Shelly Materials, Inc. v. Streetsboro Planning & Zoning Comm.

Portage App. No. 2017-P-0025, 2017-Ohio-9342. Reported at __ Ohio St.3d __, 2019-Ohio-4499, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

William Zimmerman, J., of the Third District Court of Appeals, sitting for French, J.

2019-0032. State ex rel. Parker v. Russo.

Cuyahoga App. No. 107686, 2018-Ohio-4903. Reported at __ Ohio St.3d __, 2019-Ohio-4420, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0108. State ex rel. Parker Bey v. Bracy.

Trumbull App. No. 2018-T-0090, 2018-Ohio-5337. Reported at __ Ohio St.3d __, 2019-Ohio-4420, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-0988. V.R.T. v. Celebrezze.

Cuyahoga App. No. 108116, 2019-Ohio-2241. Reported at 157 Ohio St.3d 1482, 2019-Ohio-4474, 134 N.E.3d 199. On motion for reconsideration. Motion denied.

French and Donnelly, JJ., dissent.

2019-1131. State v. Leannais.

Cuyahoga App. No. 107167, 2019-Ohio-2568. Reported at 157 Ohio St.3d 1466, 2019-Ohio-4419, 133 N.E.3d 547. On motion for reconsideration. Motion denied.

French, J., dissents.

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

2019-1157. White v. Nelson.

In Procedendo. Reported at 157 Ohio St.3d 1480, 2019-Ohio-4474, 134 N.E.3d 195. On motion for reconsideration. Motion denied.

French, J., not participating.

2019-1172. State v. Irish.

Mercer App. No. 10-18-13, 2019-Ohio-2765. Reported at 157 Ohio St.3d 1484, 2019-Ohio-4600, 134 N.E.3d 207. On motion for reconsideration. Motion denied.

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

2019-1185. Reynolds v. Turull.

Butler App. No. CA 2018-10-197, 2019-Ohio-2863. Reported at 157 Ohio St.3d 1484, 2019-Ohio-4600, 134 N.E.3d 207. On motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1265. State ex rel. Hill v. Fender.

In Habeas Corpus. Reported at 157 Ohio St.3d 1481, 2019-Ohio-4474, 134 N.E.3d 198. On motion for reconsideration. Motion denied.