

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

September 15, 2020

[Cite as *09/15/2020 Case Announcements*, 2020-Ohio-4388.]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2020-0703. State ex rel. Evans v. DeWine.**

In Habeas Corpus. On relator's motion for issuance of an alternative writ. Motion denied. Respondent Governor Mike DeWine's motion to dismiss granted. Respondents' motion for summary judgment denied as moot. Relator's motion for judicial notice and motion for sanctions against counsel Stephanie L. Watson denied. Cause dismissed.

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

### **2020-0902. Patterson v. Eppinger.**

In Habeas Corpus. On motion to amend petition for writ of habeas corpus. Motion denied. Sua sponte, cause dismissed.

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

Kennedy and Fischer, JJ., concur but would grant the motion.

Stewart, J., would deny the writ.

## MOTION AND PROCEDURAL RULINGS

### **2010-1406. State v. Pickens.**

Hamilton App. No. B0905088. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

Donnelly, J., dissents.

Fischer, J., not participating.

**2020-0860. State v. Lewis.**

Butler App. Nos. 2017-12-179, 2017-12-180, and 2017-12-181, 2018-Ohio-1458.  
On motion for leave to file delayed appeal. Motion denied.

Stewart, J., dissents.

**2020-0897. State v. Croskey.**

Richland App. No. 2017-CA-0102. On motion for leave to file delayed appeal.  
Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2019-1566. State v. Gedeon.**

Summit App. No. 29235, 2019-Ohio-3973. Appeal accepted and cross-appeal not  
accepted.

Kennedy, J., would not accept the appeal.

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

**2020-0508. State v. Metz.**

Cuyahoga App. Nos. 107212, 107246, 107259, and 107261, 2019-Ohio-4054.  
Appeal accepted and cross-appeal not accepted.

O'Connor, C.J., and Donnelly and Stewart, JJ., would not accept the appeal.

Kennedy, J., would accept the cross-appeal.

DeWine, J., would hold the cause for the decision in 2018-0444, *State v.*  
*Jones*.

**2020-0823. State ex rel. Johnstone v. Cincinnati.**

Hamilton App. No. C-190263.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2020-0246. State v. Toda.**

Lucas App. No. L-18-1149, 2019-Ohio-4903.

**2020-0393. State v. Murray.**

Mahoning App. No. 18 MA 0031, 2020-Ohio-5459.

**2020-0621. State v. Westley.**

Cuyahoga App. No. 108847, 2020-Ohio-809.

Donnelly, J., dissents and would appoint counsel.

**2020-0664. State v. Burner.**

Hamilton App. No. C-180516, 2020-Ohio-2930.

Stewart, J., dissents.

**2020-0689. State v. Smith.**

Cuyahoga App. No. 108121, 2020-Ohio-1492. Appellant's motion to stay death sentence, motion for issuance of an order to show cause, motion to order lower courts to transmit the record, transcript, and exhibits filed, motion to issue restraining order, and motion for appeal bond release and/or for home confinement denied.

French, J., would deny as moot the motion for appeal bond release and/or for home confinement.

**2020-0785. Mireles v. Veronie.**

Medina App. No. 19CA0050-M, 2020-Ohio-3078.

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

**2020-0786. Westbury Place Homeowners Assn., Inc. v. Murea.**

Medina App. No. 19CA0075-M, 2020-Ohio-2879.

**2020-0789. State v. Brown.**

Hamilton App. No. C-190186, 2020-Ohio-896.

Kennedy, J., dissents.

Fischer, J., not participating.

**2020-0793. Tax Ease Ohio, L.L.C. v. Wells.**

Montgomery App. No. 28376, 2020-Ohio-306.

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

**2020-0799. State v. Atkinson.**

Muskingum App. No. CT2019-0055, 2020-Ohio-3122.

**2020-0803. Lacy v. State.**

Ashtabula App. No. 2019-A-0091, 2020-Ohio-3089.

**2020-0804. State v. Bandy.**

Cuyahoga App. No. 108676, 2020-Ohio-808.

French, J., dissents and would accept the appeal on proposition of law No. II.  
Stewart, J., not participating

**2020-0806. State v. Hubbard.**

Cuyahoga App. No. 108853, 2020-Ohio-2726.

**2020-0808. State v. Kennedy.**

Logan App. No. CA8-19-44.

**2020-0811. State v. Payne.**

Cuyahoga App. No. 107825, 2020-Ohio-1599.

**2020-0815. State v. Banks.**

Cuyahoga App. No. 108166, 2020-Ohio-3029.

**2020-0817. State v. Lawson.**

Franklin App. No. 19AP-68, 2020-Ohio-3004.

**2020-0822. J.S. v. L.S.**

Franklin App. No. 19AP-400, 2020-Ohio-1135.

Kennedy and French, JJ., dissent.

**2020-0824. State v. Luna.**

Huron App. Nos. H-18-016 and H-18-017, 2020-Ohio-3211. Appellee's motion to dismiss denied. Appellant's motion for order dismissing indictments denied.

O'Connor, C.J., and Donnelly, J., would deny the motion to dismiss as moot.

**2020-0827. State v. Kudla.**

Summit App. No. 27652, 2016-Ohio-5215.

**2020-0834. State v. Cowan.**

Cuyahoga App. No. 108394, 2020-Ohio-666.

Stewart, J., not participating.

**2020-0838. State v. S.H.**

Medina App. No. 19CA0046-M.

**2020-0857. Kemme v. Seltzer Holdings, L.L.C.**

Butler App. No. CA2019-10-182, 2020-Ohio-3142.

Donnelly, J., dissents.

**2020-0865. Stamatopoulos v. All Seasons Contracting, Inc.**

Cuyahoga App. Nos. 107783 and 107788, 2020-Ohio-566.

Donnelly, J., not participating.

**2020-0871. In re J.B.**

Athens App. No. 20CA1, 2020-Ohio-3351.

Kennedy, J., dissents.

**2020-0886. State v. Workman.**

Auglaize App. No. 2-20-02.

**2020-0898. State v. Schmidt.**

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

**2020-0904. State v. Montelongo-Rangel.**

Franklin App. No. 20AP-114.

**2020-0905. State v. Jones.**

Franklin App. No. 20AP-113.

**2020-0914. State v. Jones.**

Franklin App. No. 20AP-115

**2020-0915. State v. Robinson.**

Summit App. No. 29639, 2020-Ohio-3535.

**2020-0917. State v. Terry.**

Cuyahoga App. No. 100813, 2020-Ohio-3448.

**RECONSIDERATION OF PRIOR DECISIONS**

**2019-0824. State ex rel. Ware v. Giavasis.**

Stark App. No. 2019CA00003, 2019-Ohio-2119. Reported at \_\_ Ohio St.3d \_\_, 2020-Ohio-3700, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2020-0425. Lowe’s Home Ctrs., L.L.C. v. Brooklyn City Schools Bd. of Edn.**

Franklin App. No. 19AP-179, 2020-Ohio-464. Reported at 159 Ohio St.3d 1436, 2020-Ohio-3634, 148 N.E.3d 583. On motion for reconsideration. Motion denied.

Kennedy and Donnelly, JJ., dissent.

French, J., not participating.

**2020-0459. Farley v. Wainwright.**

Marion App. No. 9-19-84. Reported at 159 Ohio St.3d 1409, 2020-Ohio-3255, 146 N.E.3d 585. On motion for reconsideration. Motion granted and appeal reinstated. Appellant ordered to file his merit brief within 40 days.

Kennedy and Fischer, JJ., dissent.

**2020-0502. KeyBank Natl. Assn. v. Thalman.**

Cuyahoga App. No. 108123, 2020-Ohio-660. Reported at 159 Ohio St.3d 1436, 2020-Ohio-3634, 148 N.E.3d 584. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

Stewart, J., not participating.

**2020-0569. Jones v. Lima.**

Allen App. No. 1-20-17. Reported at 159 Ohio St.3d 1445, 2020-Ohio-3712, 149 N.E.3d 520. On motion for reconsideration. Motion denied.

**2020-0571. Mobley v. O’Donnell.**

Franklin App. No. 19AP-440, 2020-Ohio-469. Reported at 159 Ohio St.3d 1439, 2020-Ohio-3712, 148 N.E.3d 579. On motion for reconsideration. Motion denied.