

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 29, 2020

[Cite as *12/29/2020 Case Announcements, 2020-Ohio-6835.*]

MERIT DECISIONS WITHOUT OPINIONS

2020-1309. *Rodrigues v. Foley.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

Fischer, J., dissents and would order a return of the writ.

French, J., not participating.

2020-1363. *Doogs v. Robinson.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

French, J., not participating.

2020-1411. *Cole v. Cosgrove.*

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's motion for leave denied. Respondent's motion to dismiss denied as moot. Respondent's motion to declare petitioner a vexatious litigator denied.

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

Kennedy, J., would grant petitioner's motion and the motion to dismiss.

Fischer, J., would deny petitioner's motion as moot and would grant the motion to declare petitioner a vexatious litigator.

MOTION AND PROCEDURAL RULINGS

2020-1325. State v. Eberhardt.

Richland App. No. 2019CA0111, 2020-Ohio-4124. 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., dissents.

2020-1334. State v. Tyus.

Summit App. No. 29520, 2020-Ohio-4455. On motion for leave to file delayed appeal due to COVID-19. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

2020-1337. State v. Reed.

Montgomery App. No. 28442, 2020-Ohio-3574. On amended motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

APPEALS ACCEPTED FOR REVIEW

2020-1232. State v. Downard.

Muskingum App. No. CT2019-0079, 2020-Ohio-4227. Appeal accepted on proposition of law No. II. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Kennedy, French, and DeWine, JJ., would accept the appeal on both propositions of law.

Donnelly and Stewart, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2020-1071. State v. Fields.

Muskingum App. No. CT2019-0073, 2020-Ohio-3995.

2020-1137. State v. Alford.

Summit App. No. 29411, 2020-Ohio-1099.

2020-1146. State v. Jackson.

Allen App. No. 1-19-63, 2020-Ohio-4015.
Donnelly, J., dissents.

2020-1167. State v. Treadwell.

Franklin App. No. 19AP-304, 2020-Ohio-2736.

2020-1196. State v. Wynn.

Lucas App. No. L-19-1003, 2020-Ohio-3550.

2020-1213. State v. Jalowiec.

Lorain App. No. 19CA011548, 2020-Ohio-4177.
Donnelly, J., dissents.

2020-1218. Asai v. Obstetrics & Gynecology Assocs., Inc.

Butler App. No. 2020-02-018, 2020-Ohio-4350.

2020-1220. State v. Roberts.

Trumbull App. No. 2009 T 0089.

2020-1222. State v. Hartman.

Sandusky App. No. S-19-036, 2020-Ohio-4245.

2020-1223. State v. Noriega.

Franklin App. No. 18AP-979, 2020-Ohio-4201.
Stewart, J., dissents.

2020-1224. Fontain v. H&R Cincy Properties L.L.C.

Hamilton App. Nos. C-190574, C-190575, C-190583, and C-190584.

2020-1226. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

Portage App. No. 2019-P-0102, 2020-Ohio-3932.

2020-1228. State v. Hrytsyak.

Cuyahoga App. No. 108506, 2020-Ohio-920.

2020-1231. State v. Speicher.

Union App. No. 14-13-17, 2020-Ohio-3845.

2020-1233. State v. Garner.

Darke App. No. 2019-CA-10, 2020-Ohio-4234.
Donnelly, J., dissents.

2020-1235. State ex rel. Ames v. Rootstown Twp. Bd. of Trustees.

Portage App. Nos. 2019-P-0114 and 2020-P-0001, 2020-Ohio-3855.

2020-1236. Harrah’s Ohio Acquisition Co., L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Cuyahoga App. No. 108765, 2020-Ohio-4214.
French, J., not participating.

2020-1237. State v. B.K.

Cuyahoga App. No. 109067, 2020-Ohio-4219.
Donnelly, J., dissents.

2020-1238. State v. Moore.

Lawrence App. No. 19CA13, 2020-Ohio-4321.

2020-1241. In re Estate of Abraitis.

Cuyahoga App. No. 109299, 2020-Ohio-4222.
Stewart, J., not participating.

2020-1244. Fried v. Friends of Breakthrough Schools.

Cuyahoga App. No. 108766, 2020-Ohio-4215.
French and Donnelly, JJ., dissent.

2020-1252. Ohio Dept. of Taxation v. Gingrich.

Hamilton App. No. C-190455, 2020-Ohio-3794.
French, J., not participating.

2020-1255. State v. Johnson.

Cuyahoga App. No. 109084, 2020-Ohio-3371.

2020-1258. State v. Hyde.

Cuyahoga App. No. 109189, 2020-Ohio-4383.
Donnelly, J., dissents.

2020-1260. LTF 55 Properties, Ltd. v. Charter Oak Fire Ins. Co.

Cuyahoga App. No. 108956, 2020-Ohio-4294.

Kennedy and Fischer, JJ., dissent.

2020-1263. Howard v. Shuler.

Marion App. No. 9-19-83.

2020-1265. Nalluri v. Jones.

Franklin App. No. 19AP-779, 2020-Ohio-4280.

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

Fischer and Donnelly, JJ., dissent.

2020-1267. State v. Stites.

Hamilton App. Nos. C-190247 and C-190255, 2020-Ohio-4281.

DeWine, J., not participating.

2020-1269. State v. Glynn.

Montgomery App. No. 28824.

2020-1270. Badescu v. Badescu.

Franklin App. No. 18AP-947, 2020-Ohio-4312.

2020-1274. State v. Cooper.

Cuyahoga App. No. 108923, 2020-Ohio-4293.

2020-1275. State v. Williams.

Cuyahoga App. No. 109091, 2020-Ohio-4467.

2020-1277. State v. Foster.

Allen App. No. 1-20-12.

Donnelly, J., dissents and would appoint counsel.

2020-1279. State v. Ingels.

Hamilton App. Nos. C-180469, C-180470, and C-180471, 2020-Ohio-4367.

Fischer and DeWine, JJ., not participating.

2020-1282. In re K.M.

Highland App. Nos. 20CA4 and 20CA6, 2020-Ohio-4476.

Stewart, J., dissents.

2020-1283. State v. Magee.

Clermont App. No. CA2019-11-083, 2020-Ohio-4351.

2020-1295. State v. Hedges.

Lake App. No. 2019-L-135, 2020-Ohio-4528.

2020-1296. Hampton v. Lively.

Lawrence App. Nos. 19CA9 and 19CA9, 2020-Ohio-4713. Appellant's motion for stay of court of appeals judgment denied.

2020-1300. State v. Harris.

Summit App. No. 29583, 2020-Ohio-4365.

2020-1303. State v. DeVore.

Richland App. Nos. 20CA21 and 20CA22.

2020-1318. State v. Schwind.

Franklin App. No. 20AP-261.

2020-1323. State v. Heard.

Mahoning App. No. 19 MA 0056, 2020-Ohio-5017.

2020-1330. State v. Brisco.

Franklin App. No. 19AP-859, 2020-Ohio-4582.

2020-1333. State v. McDaniel.

Cuyahoga App. No. 109611, 2020-Ohio-4755.

2020-1336. State v. Gillispie.

Montgomery App. No. 28766.

Fischer and Stewart, JJ., dissent.

2020-1349. State v. Parham.

Franklin App. No. 16AP-826, 2019-Ohio-358.

French and Fischer, JJ., dissent.

2020-1352. State v. Britford.

Franklin App. No. 19AP-631, 2020-Ohio-4659.

2020-1364. State v. Steward.

Franklin App. No. 19AP-28, 2020-Ohio-4553. Appellant's motion for leave to file amended memorandum in support of jurisdiction granted.

2020-1365. State v. English.

Hamilton App. No. C-180697, 2020-Ohio-4682.

2020-1381. State v. Patterson.

Cuyahoga App. No. 109167, 2020-Ohio-4832.

Donnelly, J., dissents and would appoint counsel.

2020-1403. State v. Roberts.

Hamilton App. No. C-190570.

Fischer and DeWine, JJ., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2019-0621. In re M.H.

Cuyahoga App. No. 105742, 2018-Ohio-4848. Reported at __ Ohio St.3d __, 2020-Ohio-5485, __ N.E.3d __. On motion for reconsideration. Motion denied.

Donnelly and Stewart, JJ., dissent.

2019-1221. State v. Castner.

Richland App. No. 2018 CA 0127, 2019-Ohio-2979. Reported at __ Ohio St.3d __, 2020-Ohio-4950, __ N.E.3d __. On motion for reconsideration. Motion denied. Appellee's motion to amend memo opposing motion for reconsideration granted.

O'Connor, C.J., and Kennedy and Fischer, JJ., would deny the motion to amend.

Donnelly, J., dissents and would grant the motion for reconsideration.

2019-1325. In re R.B.

Hamilton App. Nos. C-170622 and C-170623, 2019-Ohio-4298. Reported at __ Ohio St.3d __, 2020-Ohio-5476, __ N.E.3d __. On motion for reconsideration. Motion denied.

Fischer, J., not participating.

2019-1355. A.J.R. v. Toledo City School Dist. Bd. of Edn.

Lucas App. No. L-18-1004. Reported at __ Ohio St.3d __, 2020-Ohio-5168, __ N.E.3d __. On motion for reconsideration. Motion denied.

2019-1494. West v. Bode.

Monroe App. No. 18 MO 0017, 2019-Ohio-4092. Reported at __ Ohio St.3d __, 2020-Ohio-5473, __ N.E.3d __. On motion for reconsideration. Motion denied.
Kennedy and Donnelly, JJ., dissent.

2020-0863. State v. Howell.

Greene App. No. 2019-CA-7, 2020-Ohio-821. Reported at 160 Ohio St.3d 1439, 2020-Ohio-4983, 155 N.E.3d 941. On motion for reconsideration. Motion denied.

2020-0961. State ex rel. Betton v. Burgess & Niple, Inc.

Erie App. No. E-19-064. Reported at 160 Ohio St.3d 1439, 2020-Ohio-4983, 155 N.E.3d 938. On motion for reconsideration. Motion denied.
Kennedy, French, and Fischer, JJ., dissent.

2020-0977. State v. Ogle.

Hocking App. No. 12CA12, 2013-Ohio-3420. Reported at 160 Ohio St.3d 1439, 2020-Ohio-4983, 155 N.E.3d 938. On motion for reconsideration. Motion denied.

2020-0981. Boyles v. Kanz.

Richland App. Nos. 2018 CA 0128 and 2019 CA 0040, 2020-Ohio-1222. Reported at 160 Ohio St.3d 1439, 2020-Ohio-4983, 155 N.E.3d 944. On motion for reconsideration. Motion denied.

2020-1046. Thomson v. Summit Cty. Common Pleas Court.

Miscellaneous case. Reported at 160 Ohio St.3d 1450, 2020-Ohio-5166, 157 N.E.3d 769. On motion for reconsideration based on facts. Motion denied.

2020-1054. Black v. Hicks.

Cuyahoga App. No. 108958, 2020-Ohio-3976. Reported at 160 Ohio St.3d 1449, 2020-Ohio-5169, 156 N.E.3d 915. On motion for reconsideration. Motion denied.
Appellee's motion to strike denied.
French, DeWine, and Stewart, JJ., would grant the motion to strike.

2020-1069. Smith v. Buchanan.

Noble App. No. 19 NO 0468, 2020-Ohio-3886. Reported at 160 Ohio St.3d 1452, 2020-Ohio-5252, 157 N.E.3d 772. On motion for reconsideration. Motion granted and appeal reinstated. Appellant shall file his merit brief within 20 days.
Kennedy, French, and DeWine, JJ., dissent.

2020-1090. State ex rel. Wylie v. Russo.

In Procedendo. Reported at 160 Ohio St.3d 1483, 2020-Ohio-5454, __ N.E.3d __.
On motion for reconsideration. Motion denied.

2020-1095. State v. Petway.

Lake App. No. 2019-L-124, 2020-Ohio-3848. Reported at 160 Ohio St.3d 1460,
2020-Ohio-5332, 157 N.E.3d 794. On motion for reconsideration. Motion denied.
French, Donnelly, and Stewart, JJ., dissent.

2020-1104. State ex rel. Simpson v. Parker.

In Prohibition. Reported at 160 Ohio St.3d 1484, 2020-Ohio-5454, __ N.E.3d __.
On motion for reconsideration “and for order setting the complaint for trial.” Motion
denied.

2020-1152. State v. Smith.

Hamilton App. No. C-190289. Reported at 160 Ohio St.3d 1449, 2020-Ohio-5169,
156 N.E.3d 918. On motion for reconsideration. Motion denied.

2020-1186. State ex rel. Thomas v. Haviland.

In Habeas Corpus. Reported at 160 Ohio St.3d 1458, 2020-Ohio-5332, 157 N.E.3d
788. On motion for reconsideration. Motion denied.
Fischer, J., not participating.