

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

September 1, 2020

[Cite as *09/01/2020 Case Announcements, 2020-Ohio-4232.*]

---

## MERIT DECISIONS WITHOUT OPINIONS

### **2020-0876. *Morant v. Carpenter.***

In Habeas Corpus. Sua sponte, cause dismissed.

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

Donnelly and Stewart, JJ., dissent and would grant an alternative writ to determine whether a hearing was held.

## MOTION AND PROCEDURAL RULINGS

### **2020-0849. *State v. Cole.***

Erie App. No. E-18-061, 2019-Ohio-5425. 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 French and DeWine, JJ., dissent.

### **2020-0853. *State v. Talley.***

Cuyahoga App. No. 87143, 2006-Ohio-5322. On motion for leave to file delayed appeal. Motion denied.

## APPEALS ACCEPTED FOR REVIEW

### **2020-0608. *State v. CSX Transp., Inc.***

Union App. Nos. 14-19-07 through 14-19-11, 2020-Ohio-2665.

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

**2020-0629. Cleveland Botanical Garden v. Drewein.**

Cuyahoga App. No. 108536, 2020-Ohio-1278. Appeal and cross-appeals accepted.  
DeWine, J., would not accept the appeal.  
O'Connor, C.J., and Donnelly, J., dissent.

**2020-0648. State v. Bethel.**

Franklin App. No. 19AP-324, 2020-Ohio-1343.  
O'Connor, C.J., and Kennedy and DeWine, JJ., dissent.

**2020-0743. Jezerinac v. Dioun.**

Franklin App. No. 18AP-479, 2020-Ohio-587. Appeal accepted on proposition of law No. I.  
Kennedy, DeWine, and Donnelly, JJ., dissent.  
Fischer and Stewart, JJ., would also accept the appeal on proposition of law No. II.  
Robin N. Piper III, J., of the Twelfth District Court of Appeals, sitting for French, J.

**2020-0751. Johnson v. Stachel.**

Stark App. No. 2019CA00123, 2020-Ohio-3015. Accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2019-1560, *Wilson v. Durrani*.  
O'Connor, C.J., dissents.

**2020-0761. Cain v. Horn.**

Guernsey App. No. 19CA000031, 2020-Ohio-3171. Sua sponte, cause held for the decision in 2019-1494, *West v. Bode*.  
French and Fischer, JJ., would accept the appeal on proposition of law No. I only.  
DeWine, J., dissents.

**2020-0773. Fonzi v. Brown.**

Monroe App. No. 19 MO 0012, 2020-Ohio-3631. Appeal accepted on proposition of law Nos. I through V. Sua sponte, cause held for the decision in 2019-1123, *Gerrity v. Chervenak*.  
Kennedy and Stewart, JJ., would accept the appeal on all propositions of law and would not hold the cause.  
French, J., would accept the appeal on proposition of law No. I only.  
DeWine, J., would accept the appeal on all propositions of law.  
Donnelly, J., dissents.

**2020-0819. State v. Leyh.**

Summit App. No. 29298, 2019-Ohio-3640.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2019-1405. State v. Edwards.**

Franklin App. No. 17AP-738. Appellee's motion to strike motion for reconsideration and to strike motion for leave to file out of time denied.

O'Connor, C.J., and Stewart, J., would deny appellee's motion as moot.

Kennedy, J., would grant appellee's motion.

Fischer, J., would deny as moot appellee's motion as to the motion for reconsideration and would grant appellee's motion as to the motion for leave to file out of time.

**2020-0387. State v. Wright.**

Franklin App. No. 18AP-770, 2019-Ohio-5201.

**2020-0457. State v. Delgadillo-Banuelos.**

Franklin App. No. 18AP-729, 2019-Ohio-4174.

**2020-0659. State v. Hill.**

Cuyahoga App. No. 109172, 2020-Ohio-1390.

Donnelly, J., dissents and would appoint counsel.

**2020-0713. State v. Pitts.**

Lucas App. No. L-18-1242, 2020-Ohio-2655.

**2020-0716. State v. McClain.**

Champaign App. No. 2019-CA-12, 2020-Ohio-952.

**2020-0727. Curry v. Mackenzie.**

Franklin App. No. 20AP-34.

**2020-0730. State v. Cooke.**

Cuyahoga App. No. 108824, 2020-Ohio-2725.

**2020-0732. State v. Long.**

Warren App. No. 2019-08-078, 2020-Ohio-2678.

**2020-0735. Johnson v. Johnson.**

Cuyahoga App. No. 108420, 2020-Ohio-1381.

**2020-0746. State v. Andrews.**

Summit App. No. 29260, 2020-Ohio-2703.

**2020-0750. In re N.F.**

Summit App. No. 29508, 2020-Ohio-2701.

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

**2020-0752. State v. Culbertson.**

Stark App. No. 2018CA00183, 2020-Ohio-903.

Donnelly, J., dissents.

**2020-0754. State v. Dennison.**

Summit App. No. 29354, 2020-Ohio-2699.

Donnelly and Stewart, JJ., dissent.

**2020-0763. State v. Phillips.**

Allen App. No. 1-19-43, 2020-Ohio-2785.

**2020-0764. State v. Keating.**

Clermont App. No. CA2019-08-064, 2020-Ohio-2770.

Kennedy, J., dissents.

**2020-0765. State v. Hull.**

Lake App. No. 2019-L-126, 2020-Ohio-2895.

**2020-0769. Henry Cty. Bd. of Commrs. v. Rettig.**

Henry App. No. 7-19-11, 2020-Ohio-2787.

**2020-0770. State v. Ridley.**

Allen App. No. 1-19-055, 2020-Ohio-2779.

Fischer and DeWine, JJ., would decline jurisdiction as moot.

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

**2020-0772. Thomas v. Hyundai of Bedford.**

Cuyahoga App. No. 108212, 2020-Ohio-185.

Stewart, J., dissents and would accept the appeal on proposition of law Nos. II and III.

**2020-0774. State v. McCauley.**

Licking App. No. 19-CA-84, 2020-Ohio-2813.

**2020-0777. State v. McClain.**

Guernsey App. No. 2019 CA 0024, 2020-Ohio-2833.

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

**2020-0779. State v. Hollis.**

Hamilton App. No. C-190195, 2020-Ohio-2924.

French, Fischer, and Stewart, JJ., dissent.

**2020-0780. State v. Wright.**

Allen App. No. 1-20-13.

**2020-0782. Nordonia Landscape Supplies, L.L.C. v. Akron.**

Summit App. No. 29618, 2020-Ohio-2809.

Fischer and Stewart, JJ., dissent.

**2020-0800. Lester v. State.**

Union App. No. 14-18-21, 2020-Ohio-2988.

**2020-0809. State v. Covington.**

Clark App. No. 2019-CA-50, 2020-Ohio-390.

**2020-0818. State v. McCormick.**

Lorain App. No. 19CA011502, 2020-Ohio-3140.

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

**2020-0830. Third Fed. S. & L. Assn. of Cleveland v. Pajany.**

Delaware App. No. 19 CAE 12 0072, 2020-Ohio-2753. Appellants' motion to stay denied.

**2020-0832. State v. Pedraza.**

Medina App. No. 19CA-0049-M.

**2020-0847. Bunting v. Bailey.**

Stark App. No. 2020CA00005, 2020-Ohio-3124.

**2020-0872. State v. Hill.**

Hamilton App. No. C-190337, 2020-Ohio-3271.

**RECONSIDERATION OF PRIOR DECISIONS**

**2019-0515. State ex rel. Frank v. Ohio State Univ.**

In Mandamus. Reported at \_\_ Ohio St.3d \_\_, 2020-Ohio-3422, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2020-0266. State v. Hill.**

Cuyahoga App. No. 108250, 2020-Ohio-102. Reported at 158 Ohio St.3d 1467, 2020-Ohio-1393, 142 N.E.3d 688. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

**2020-0341. Lycan v. Cleveland.**

Cuyahoga App. Nos. 107700 and 107737, 2019-Ohio-3510. Reported at 159 Ohio St.3d 1427, 2020-Ohio-3473, 148 N.E.3d 569. On motion for reconsideration. Motion denied.

Kennedy, J., dissents and would accept the cross-appeal and would accept the appeal on both propositions of law.

Fischer, J., dissents.

**2020-0351. State ex rel. Flores v. Will.**

In Mandamus. Reported at 159 Ohio St.3d 1425, 2020-Ohio-3473, 148 N.E.3d 563. On motion for reconsideration. Motion denied.

**2020-0418. Arnoff v. State.**

In Prohibition. Reported at 159 Ohio St.3d 1426, 2020-Ohio-3473, 148 N.E.3d 566. On motion for reconsideration. Motion denied.

**2020-0512. State ex rel. Horsley v. Hall.**

In Mandamus. Reported at 159 Ohio St.3d 1426, 2020-Ohio-3473, 148 N.E.3d 567. On motion for reconsideration. Motion denied.

**2020-0776. Bingham v. State.**

Allen App. No. 1-18-71, 2019-Ohio-3324. Reported at 159 Ohio St.3d 1432, 2020-Ohio-3572, 148 N.E.3d 572. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.