

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 25, 2021

[Cite as *05/25/2021 Case Announcements*, 2021-Ohio-1721.]

MERIT DECISIONS WITHOUT OPINIONS

2021-0404. *De la Cruz v. Butler Cty. Court of Common Pleas.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2021-0369. *State v. D-Bey.*

Cuyahoga App. No. 109000, 2021-Ohio-60. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

2021-0378. *State v. Dixon.*

Montgomery App. No. 28866. On motion for leave to file delayed appeal. Motion denied.

Kennedy, Fischer, and Stewart, JJ., dissent.

2021-0420. *State v. Anderson.*

Summit App. No. 26640. On motion for leave to file delayed appeal. Motion denied.

APPEALS NOT ACCEPTED FOR REVIEW

2021-0034. State v. Taylor.

Richland App. No. 2019 CA 0117, 2020-Ohio-5097.

2021-0038. State v. Goodwin.

Montgomery App. No. 28681, 2020-Ohio-5274.

2021-0223. State v. Waver.

Cuyahoga App. No. 108820, 2020-Ohio-2724.

2021-0227. State v. Jones.

Cuyahoga App. Nos. 108073 and 108089, 2019-Ohio-4355.

2021-0242. State v. Wells.

Cuyahoga App. No. 100365.

2021-0244. Windsor Med. Ctr., Inc. v. Time Warner Cable, Inc.

Stark App. No. 2020CA00085, 2021-Ohio-158.

Kennedy, J., dissents.

2021-0273. State v. Qualls.

Ottawa App. Nos. OT-18-035 and OT-18-040, 2020-Ohio-3753.

Donnelly, J., dissents and would appoint counsel.

2021-0276. State v. Tetak.

Muskingum App. No. CT2019-52.

2021-0279. Lakewood City Schools Bd. of Edn. v. Commodore Club Apts., L.L.C.

Cuyahoga App. No. 109955.

Kennedy, J., dissents.

2021-0285. Arundina, L.L.C. v. Young-Tuck.

Lorain App. Nos. 19CA011511, 19CA011558, 20CA011673.

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

Stewart and Brunner, JJ., dissent.

2021-0287. State v. Thomas.

Belmont App. No. 17 BE 0028, 2021-Ohio-1280.

2021-0290. State v. Maxcy-Tipton.

Wood App. No. WD-19-093, 2020-Ohio-6983.

Kennedy, J., dissents.

2021-0292. State v. Willis.

Wyandot App. No. 16-20-01.

2021-0295. Barrow v. Living Word Dayton.

Montgomery App. No. 28719, 2021-Ohio-141.

2021-0301. State v. Luna.

Huron App. Nos. H-18-016 and H-18-017, 2020-Ohio-3211. Appellant's application to proceed denied. Appellee's motion to dismiss denied.

Kennedy, J., would deny appellant's application and appellee's motion as moot.

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

Brunner, J., would deny appellee's motion as moot.

2021-0303. State v. Mitchell.

Cuyahoga App. No. 109634, 2021-Ohio-210.

2021-0307. State v. Ivery.

Summit App. No. 28551, 2020-Ohio-3349.

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

2021-0313. Reo v. Lindstedt.

Lake App. Nos. 2019-L-073 and 2019-L-074, 2020-Ohio-6674. Appellee's motion to dismiss denied.

Kennedy, Donnelly, and Brunner, JJ., would deny the motion as moot.

2021-0318. State v. Morant.

Belmont App. No. 20 BE 0014. Appellant's motion for stay denied.

2021-0322. State v. Dye.

Cuyahoga App. No. 109366, 2021-Ohio-207.

2021-0325. Vermilion v. Bowman.

Erie App. No. E-19-016, 2020-Ohio-6974.

2021-0329. State v. Davis.

Lake App. No. 2019-L-170.

Donnelly and Brunner, JJ., dissent.

2021-0331. Gales v. Ohio Dept. of Pub. Safety.

Franklin App. No. 19AP-720, 2021-Ohio-216.

2021-0333. State v. Moore.

Richland App. No. 2020 CA 0038, 2021-Ohio-287.

2021-0335. State v. Roper.

Summit App. No. 29466, 2021-Ohio-188.

Donnelly, J., dissents.

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

2021-0338. State v. May.

Logan App. No. 8-20-10, 2021-Ohio-261.

Donnelly, J., dissents and would appoint counsel.

2021-0340. State v. Bui.

Lucas App. No. L-19-1028, 2021-Ohio-362.

DeWine, J., dissents.

2021-0342. State v. Boaston.

Lucas App. No. L-17-1278, 2021-Ohio-360.

Donnelly, J., dissents.

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

2021-0345. State v. Scofield.

Fairfield App. No. 2020 CA 00025, 2021-Ohio-569.

2021-0376. State v. Grieco.

Montgomery App. No. 28822, 2021-Ohio-735.

2021-0379. In re B.J.

Hamilton App. Nos. C-200372 and C-200376, 2021-Ohio-373.

2021-0384. State v. Thomas.

Lucas App. No. L-20-1063, 2021-Ohio-407.

2021-0387. Brandon v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 20AP-211, 2021-Ohio-418.

2021-0403. State v. Grieco.

Montgomery App. No. 28542, 2020-Ohio-6956.

2021-0415. State v. Wright.

Clark App. No. 2020-CA-33, 2021-Ohio-610.

2021-0427. State v. Myers.

Trumbull App. No. 2020-T-0006, 2021-Ohio-475.

2021-0446. State v. Davis.

Cuyahoga App. No. 104574.

RECONSIDERATION OF PRIOR DECISIONS

2020-0244. Erickson v. Morrison.

Guernsey App. No. 19-CA-18. Reported at __ Ohio St.3d __, 2021-Ohio-746, __ N.E.3d __. On motion for reconsideration of Paul E. Morrison and Vesta G. Morrison. Motion denied.

2020-1433. Cline v. Chambers-Smith.

Miscellaneous case. Reported at 162 Ohio St.3d 1403, 2021-Ohio-834, 165 N.E.3d 318. On second amended motion for reconsideration. Motion denied. Relator's amended "motion for order or relief and enter to strike," motion to strike memo opposing motion for reconsideration and motion for order or relief, April 26, 2021 motion, and request for mediation denied.

2020-1446. State v. Garner.

Lucas App. No. L-18-1269, 2020-Ohio-4939. Reported at 161 Ohio St.3d 1479, 2021-Ohio-802, 164 N.E.3d 488. On motion for reconsideration. Motion denied.

Donnelly, Stewart, and Brunner, JJ., dissent.

2020-1544. State ex rel. Walker v. Dept. of Rehab. & Corr.

In Mandamus. Reported at 161 Ohio St.3d 1478, 2021-Ohio-801, 164 N.E.3d 486. On motion for reconsideration. Motion denied.

2020-1550. State v. Cline.

Champaign App. No. 20CA18. Reported at 161 Ohio St.3d 1479, 2021-Ohio-801, 164 N.E.3d 491. On second amended motion for reconsideration. Motion denied. Appellant's April 26, 2021 motion denied.

Brunner, J., dissents and would grant the motion for reconsideration as to proposition of law Nos. I and IV and would appoint counsel.

2020-1584. Bank of New York Mellon v. Fisher.

Cuyahoga App. No. 108855, 2020-Ohio-4742. Reported at 161 Ohio St.3d 1475, 2021-Ohio-717, 164 N.E.3d 479. On motion for reconsideration. Motion denied.

Fischer and Brunner, JJ., not participating.

2021-0018. State ex rel. Unterbrink v. Elida Local School Dist. Bd. of Edn.

Allen App. No. 1-20-22, 2020-Ohio-5378. Reported at 161 Ohio St.3d 1475, 2020-Ohio-717, 164 N.E.3d 483. On motion for reconsideration. Motion denied.

2021-0028. State v. DeHart.

Montgomery App. No. 28356, 2020-Ohio-3897. Reported at 162 Ohio St.3d 1406, 2021-Ohio-936, 165 N.E.3d 324. On motion for reconsideration. Motion denied.

Fischer, J., dissents.

Brunner, J., dissents and would order brief to be filed within 30 days.