

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 26, 2021

[Cite as *10/26/2021 Case Announcements*, 2021-Ohio-3730.]

MERIT DECISIONS WITHOUT OPINIONS

2021-1117. *Davenport v. Black.*

In Habeas Corpus. Sua sponte, cause dismissed.

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

2021-1151. *State ex rel. Williams v. Chambers-Smith.*

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

2021-1051. *State v. Mobley.*

Franklin App. No. 21AP-25. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine, Donnelly, and Brunner, JJ., dissent.

2021-1076. *State v. Shreve.*

Stark App. No. 2017CA00014, 2017-Ohio-8390. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

2021-1147. State v. N.S.

Franklin App. Nos. 20AP-66 and 20AP-67, 2020-Ohio-5318. On 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

2021-0996. State v. Rodriguez.

Seneca App. No. 13-20-07, 2021-Ohio-2295. Appeal accepted on proposition of law Nos. I and II. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Fischer, J., would also accept the appeal on proposition of law Nos. III and IV.

DeWine, J., would also accept the appeal on proposition of law No. III and would also hold the cause for the decision in 2020-1496, *State v. Hacker*.

Donnelly, J., would accept the appeal on all propositions of law.

Stewart, J., would hold the cause for the decision in *Hacker* instead of *Maddox*.

Kennedy, J., dissents.

2021-1004. In re Estate of Fleenor v. Ottawa Cty.

Ottawa App. No. OT-20-023, 2021-Ohio-2251. Appeal accepted on proposition of law No. II.

Kennedy, DeWine, and Stewart, JJ., would accept on all propositions of law.

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

2021-1005. State v. Singh.

Warren App. No. CA2020-09-056, 2021-Ohio-2158. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Stewart, J., would accept the appeal on proposition of law No. I only and would hold the cause for the decision in 2020-1496, *State v. Hacker* instead of *Maddox*.

DeWine and Donnelly, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2020-0882. Tchankpa v. Ascena Retail Group, Inc.

Franklin App. No. 19AP-760, 2020-Ohio-3291. Appellant's motion for relief for appellee's failure to file its memorandum in response pursuant to S.Ct.Prac.R. 7.03(A)(1) denied.

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

2021-0697. State v. Preston.

Summit App. No. 29730, 2021-Ohio-1052.

Donnelly and Stewart, JJ., dissent and would hold the cause for the decision in 2021-0944, *State v. Messenger*.

2021-0955. Hughes v. Youngstown State Univ.

Franklin App. No. 20AP-73, 2021-Ohio-2079.

2021-0957. Herron v. Herron.

Summit App. No. 29683, 2021-Ohio-2223.

Kennedy, J., dissents.

2021-0963. E. Liverpool v. Owners Ins. Co.

Columbiana App. No. 20 CO 0009, 2021-Ohio-1474.

2021-0964. State v. Benvenuto.

Allen App. No. 1-20-60.

2021-0972. State v. Gideon.

Allen App. Nos. 1-18-27, 1-18-28, and 1-18-29, 2019-Ohio-2482.

2021-0974. State v. Gibson.

Butler App. No. CA2020-11-114, 2021-Ohio-2150.

2021-0979. State v. Cole.

Cuyahoga App. No. 110076, 2021-Ohio-2445.

2021-0983. Chhun v. Durrani.

Hamilton App. No. C-190616.

Brunner, J., dissents.

Fischer, J., not participating.

2021-0984. Janson v. Christ Hosp., Inc.

Hamilton App. Nos. C-200047, C-200048, C-200050, and C-200052 through C-200056, 2021-Ohio-1467.

Fischer, J., not participating.

2021-0986. Daher v. Cuyahoga Community College Dist.

Cuyahoga App. No. 109719, 2021-Ohio-2103.

Donnelly and Brunner, JJ., dissent.

2021-0988. State v. Newman.

Fairfield App. No. 20-CA-14. Appellant's motion to stay February 25, 2020 judgment pending appeal denied.

DeWine and Brunner, JJ., would deny appellant's motion as moot.

2021-0989. State v. Williams.

Cuyahoga App. No. 109972, 2021-Ohio-2032.

Donnelly, J., dissents and would appoint counsel.

2021-0990. Lane v. U.S. Bank, N.A.

Franklin App. No. 20AP-335, 2021-Ohio-1891.

2021-0992. Hannibal Dev., L.L.C. v. Monroe Water Sys.

Monroe App. No. 20 MO 0016, 2021-Ohio-2338.

2021-0994. State v. Zachery.

Trumbull App. No. 2019-T-0082, 2021-Ohio-2176.

2021-1001. Jones v. Terminal Ready-Mix, Inc.

Lorain App. No. 20CA011657, 2021-Ohio-2164.

Brunner, J., dissents.

2021-1002. In re Guardianship of Bakhtiar.

Lorain App. No. 20CA011676, 2021-Ohio-2163.

Stewart, J., not participating.

2021-1003. Starr v. Ohio Dept. of Commerce, Div. of Real Estate & Professional Licensing.

Franklin App. No. 20AP-47, 2021-Ohio-2243.

Kennedy, J., dissents.

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

2021-1008. State v. McFadden.

Franklin App. No. 20-AP-375.

2021-1010. State v. J.A.

Cuyahoga App. No. 109918, 2021-Ohio-2265.

2021-1011. Smallwood v. Durrani.

Hamilton App. Nos. C-190671 through C-190675.

Fischer, J., not participating.

2021-1012. In re J.R.

Cuyahoga App. No. 110241, 2021-Ohio-2272.

Donnelly, J., dissents and would hold the cause for the decision in 2021-0794, *State v. Fuell*.

Brunner, J., dissents.

2021-1013. Worley v. Durrani.

Hamilton App. Nos. C-190729, C-190730, and C-190740.

Fischer, J., not participating.

2021-1014. State v. Tiedjen.

Cuyahoga App. No. 110639.

2021-1015. State v. Kamal.

Cuyahoga App. No. 109781, 2021-Ohio-2261.

Donnelly, J., dissents.

2021-1016. State v. Turner.

Clark App. No. 2020-CA-49, 2021-Ohio-2216.

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

2021-1019. Fontanarosa v. Connors.

Mahoning App. Nos. 20 MA 0031 and 20 MA 0038, 2021-Ohio-2346.

Brunner, J., dissents.

2021-1022. State v. Preston.

Cuyahoga App. No. 109572

Donnelly, J., dissents.

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

2021-1024. Croce v. Ohio State Univ. Bd. of Trustees.

Franklin App. No. 20AP-14, 2021-Ohio-2242.

2021-1025. Myers v. Haviland.

Allen App. No. 1-21-04, 2021-Ohio-1860. Appellant's request for joinder of case Nos. 2021-0785 and 2021-1025 denied.

DeWine and Stewart, JJ., would deny the request as moot.

2021-1029. State v. Hays.

Summit App. No. 29506, 2020-Ohio-2919.

2021-1048. State v. Fitz.

Cuyahoga App. No. 109270, 2021-Ohio-1497.

Donnelly, J., dissents and would appoint counsel.

Brunner, J., dissents.

2021-1052. State v. Cultrona.

Tuscarawas App. No. 2021 AP 04 0009.

2021-1059. State v. McCorkle.

Greene App. No. 2020-CA-36, 2021-Ohio-2604.

2021-1078. State v. Gray.

Cuyahoga App. No. 110099, 2021-Ohio-2446.

Donnelly and Brunner, JJ., dissent.

2021-1082. State v. Hammond.

Hamilton App. No. C-190597, 2021-Ohio-2493.

2021-1105. State v. Johnson.

Lucas App. No. L-21-1034.

2021-1116. State v. Boware.

Summit App. No. 29891, 2021-Ohio-2666.

2021-1139. State v. Rodriguez.

Cuyahoga App. No. 109320, 2021-Ohio-2580.

RECONSIDERATION OF PRIOR DECISIONS

2020-0821. State ex rel. Cox v. Youngstown Civ. Serv. Comm.

In Mandamus and Procedendo. Reported at __ Ohio St.3d __, 2021-Ohio-2799, __ N.E.3d __. On motion for reconsideration. Motion denied.

2020-1580. Ohio State Bar Assn. v. Beem.

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 17-06. Reported at __ Ohio St.3d __, 2021-Ohio-2821, __ N.E.3d __. On motion for reconsideration. Motion denied.

Donnelly, J., would grant the motion in part and would eliminate the civil penalty.

Kennedy, J., dissents.

2021-0357. State ex rel. Cook v. Ohio Dept. of Rehab. & Corr.

In Mandamus. Reported at 164 Ohio St.3d 1408, 2021-Ohio-2795, 172 N.E.3d 176. On motion for reconsideration. Motion denied.

2021-0640. State v. Mead.

Hamilton App. Nos. C-190604 and C-190620 through C-190625, 2021-Ohio-1107. Reported at 164 Ohio St.3d 1410, 2021-Ohio-2796, 171 N.E.3d 1206. On motion for reconsideration. Motion denied.

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

2021-0686. Bailey v. Robinson.

Lorain App. No. 20CA011708. Reported at 164 Ohio St.3d 1404, 2021-Ohio-2742, 172 N.E.3d 174. On motion for reconsideration. Motion denied.

2021-0717. State v. Hamilton.

Hamilton App. Nos. C-200041 and C-200042, 2021-Ohio-1421. Reported at 164 Ohio St.3d 1410, 2021-Ohio-2795, 172 N.E.3d 179. On motion for reconsideration. Motion denied.

Stewart and Brunner, JJ., dissent.

2021-0720. Bank of New York Mellon v. Ackerman.

Montgomery App. No. 28737, 2020-Ohio-6954. Reported at 164 Ohio St.3d 1405, 2021-Ohio-2742, 172 N.E.3d 166. On motion for reconsideration. Motion denied.

2021-0721. Bank of New York Mellon v. Ackerman.

Montgomery App. No. 28737, 2020-Ohio-6954. Reported at 164 Ohio St.3d 1405, 2021-Ohio-2742, 172 N.E.3d 166. On motion for reconsideration. Motion denied.

2021-0723. State v. Christy.

Fairfield App. No. 20-CA-29, 2021-Ohio-1470. Reported at 164 Ohio St.3d 1405, 2021-Ohio-2742, 172 N.E.3d 162. On motion for reconsideration. Motion denied.
Brunner, J., dissents.

2021-0781. King v. Divoky.

Summit App. No. 29769, 2021-Ohio-1712. Reported at 164 Ohio St.3d 1405, 2021-Ohio-2742, 172 N.E.3d 171. On motion for reconsideration. Motion denied.

2021-0785. Myers v. Haviland.

Allen App. No. 1-21-04, 2021-Ohio-1860. Reported at 164 Ohio St.3d 1421, 2021-Ohio-2923, 172 N.E.3d 1049. On motion for reconsideration. Motion denied.
Appellant's request for joinder of case Nos. 2021-0785 and 2021-1025 denied.