

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 23, 2021

[Cite as *11/23/2021 Case Announcements, 2021-Ohio-4033.*]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2021-1115. Taylor v. Butler Cty. Court of Common Pleas.**

In Habeas Corpus. On respondent's motion to dismiss for failure to state a claim. Motion granted. Relator's motion to stay, strike, and compel denied. Cause dismissed.

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

Kennedy, J., would deny relator's motion as moot.

### **2021-1235. Wheeler v. Avanesyan.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

### **2021-1243. Stewart v. Triggs.**

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

### **2021-1200. State v. Kimbrough.**

Lorain App. No. 19CA011574, 2021-Ohio-2225. 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 DeWine, J., dissent.

## APPEALS ACCEPTED FOR REVIEW

### **2021-1125. State v. Tupuola.**

Muskingum App. No. CT2020-0056, 2021-Ohio-2577. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Kennedy, J., would order briefing on proposition of law Nos. IV and V.

Brunner, J., would accept the appeal on proposition of law Nos. I and II only.

Fischer and DeWine, JJ., dissent.

### **2021-1153. State ex rel. Ames v. Portage Cty. Bd. of Commrs.**

Portage App. Nos. 2020-P-0088 and 2020-P-0089, 2021-Ohio-3178. Sua sponte, cause held for the decision in 2021-0706, *Ames v. Rootstown Twp. Bd. of Trustees*.

DeWine and Donnelly, JJ., dissent.

### **2021-1155. State v. McGowan.**

Sandusky App. No. S-20-020, 2021-Ohio-404. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Fischer, J., would not hold the cause.

DeWine, J., dissents.

### **2021-1172. In re J.F.**

Jackson App. Nos. 21CA2 and 21CA3, 2021-Ohio-2713.

Kennedy and DeWine, JJ., dissent.

### **2021-1175. State v. Long.**

Pickaway App. No. 20CA9, 2021-Ohio-2672. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

## APPEALS NOT ACCEPTED FOR REVIEW

**2021-1069. Swirsky v. Swirsky.**

Cuyahoga App. No. 110559.

**2021-1083. State v. Fannin.**

Warren App. No. CA2020-03-022, 2021-Ohio-2462.

**2021-1093. State v. Poppel.**

Champaign App. No. 2020-CA-34, 2021-Ohio-2536.

**2021-1096. State v. Tenney.**

Trumbull App. No. 2018-T-0019, 2019-Ohio-927.

**2021-1099. Bradley v. Bradley.**

Cuyahoga App. No. 109792, 2021-Ohio-2514.

**2021-1103. State v. Martin.**

Hamilton App. No. C-200067.

DeWine, J., dissents.

Fischer, J., not participating.

**2021-1107. O'Brien v. Shorey.**

Cuyahoga App. No. 110000, 2021-Ohio-2519.

Kennedy, J., dissents.

**2021-1108. State v. Cheatham.**

Hamilton App. No. C-200142, 2021-Ohio-2495.

Kennedy, J., dissents.

Fischer, J., not participating.

**2021-1110. State ex rel. Lally v. Cleveland.**

Cuyahoga App. No. 109764, 2021-Ohio-2513.

Brunner, J., dissents.

**2021-1111. O'Kelley v. Rothenbuhler.**

Monroe App. No. 20 MO 0009, 2021-Ohio-1167.

Kennedy, J., dissents.

**2021-1112. State v. Jones.**

Erie App. No. E-19-065, 2021-Ohio-2621.

**2021-1113. C.S. v. G.T.**

Franklin App. No. 19AP-804.

**2021-1118. Lusher v. Liberty Mut. Fire Ins. Co.**

Cuyahoga App. No. 110032.

**2021-1119. State v. Struckman.**

Hamilton App. No. C-200069.

Fischer, J., not participating.

**2021-1122. State v. Struckman.**

Hamilton App. No. C-2000210.

Fischer, J., not participating.

**2021-1128. Bressi v. Irwin.**

Geauga App. No. 2020-G-0271, 2021-Ohio-2550. Appellant's motion for leave to file correct memorandum in support of jurisdiction granted.

Fischer, J., dissents and would accept the appeal.

**2021-1133. State v. Bressi.**

Summit App. No. 30002.

**2021-1141. In re A.A.**

Erie App. No. E-21-013.

**2021-1142. In re T.A.**

Erie App. No. E-21-014.

**2021-1144. Lindsey v. Lindsey.**

Geauga App. No. 2020-G-0275, 2021-Ohio-2060.

**2021-1150. Lindsey v. Heniz.**

Portage App. No. 2021-P-0069.

**2021-1152. State v. Berry.**

Cuyahoga App. No. 109873, 2021-Ohio-2588.

**2021-1154. State ex rel. Ames v. Geauga Cty. Republican Cent. & Executive Commts.**

Geauga App. No. 2021-G-0004, 2021-Ohio-2888.

Brunner, J., dissents.

**2021-1161. Bosch v. Bosch.**

Fairfield App. No. 21 CA 3, 2021-Ohio-2649.

**2021-1169. Fairview Park v. Peah.**

Cuyahoga App. No. 110128, 2021-Ohio-2685.

**2021-1180. Baumgardner v. Durrani.**

Hamilton App. Nos. C-190744 and C-190745.

Fischer, J., not participating.

**2021-1190. State v. Clifford.**

Hamilton App. No. C-190586, 2020-Ohio-4129.

Fischer, J., not participating.

**2021-1223. State v. Hough.**

Franklin App. No. 21AP-39, 2021-Ohio-2852.

**2021-1229. State v. McCallum.**

Franklin App. No. 19AP-796, 2021-Ohio-2938.

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

**2021-1242. State v. Hughes.**

Mahoning App. No. 20 MA 0116, 2021-Ohio-2895.

**2021-1256. State v. Hall.**

Lucas App. Nos. L-20-1089 and L-20-1090, 2021-Ohio-2968.

**RECONSIDERATION OF PRIOR DECISIONS**

**2020-0368. State v. Jones.**

Hamilton App. No. C-170647, 2020-Ohio-281. Reported at \_\_ Ohio St.3d \_\_, 2021-Ohio-3311, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

**2021-0199. DeVore v. Black.**

Richland App. No. 2020 CA 0074, 2021-Ohio-198. Reported at \_\_ Ohio St.3d \_\_, 2021-Ohio-3153, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2021-0533. In re J.H.**

Cuyahoga App. No. 109332, 2021-Ohio-700. Reported at 164 Ohio St.3d 1442, 2021-Ohio-3319, 173 N.E.3d 1228. On amended motion for reconsideration. Motion granted. Appellant shall file her brief within seven days, and the case shall proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

Fischer, DeWine, and Brunner, JJ., dissent.

**2021-0735. State v. Gross.**

Muskingum App. No. CT1996-0055. Reported at 164 Ohio St.3d 1439, 2021-Ohio-3233, 173 N.E.3d 1224. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

**2021-0805. In re Wesley v. Cuyahoga Cty. Court of Common Pleas.**

In Mandamus and Prohibition. Reported at 164 Ohio St.3d 1438, 2021-Ohio-3233, 173 N.E.3d 1222. On motion for reconsideration. Motion denied.

**2021-0825. Dula v. Cincinnati.**

Hamilton App. No. C-200297, 2021-Ohio-1711. Reported at 164 Ohio St.3d 1432, 2021-Ohio-3091, 173 N.E.3d 507. On motion for reconsideration. Motion denied.

**2021-0853. State ex rel. Nyamusevya v. Franklin Cty. Court of Common Pleas.**

In Procedendo and Prohibition. Reported at 164 Ohio St.3d 1439, 2021-Ohio-3233, 173 N.E.3d 1223. On motion for reconsideration. Motion denied.

Brunner, J., not participating.

**DISCIPLINARY MATTERS**

**2021-1228. Cleveland Metro. Bar Assn. v. Weatherly.**

On Certified Report by the Board of Professional Conduct, No. 2021-014. Justin Michael Weatherly, Attorney Registration No. 0078343, last known business address in Cleveland, Ohio, publicly reprimanded.

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

**2021-1230. Akron Bar Assn. v. Talley.**

On Certified Report by the Board of Professional Conduct, No. 2021-007. Matthew William Talley, Attorney Registration No. 0092147, last known business address in Akron, Ohio, suspended from the practice of law for one year, with six months stayed on conditions.

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