

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 30, 2021

[Cite as *03/30/2021 Case Announcements, 2021-Ohio-961.*]

MERIT DECISIONS WITHOUT OPINIONS

2021-0181. *Pianowski v. May.*

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

2021-0126. *State v. Grant.*

Cuyahoga App. No. 107499, 2019-Ohio-796. On amended motion for leave to file delayed appeal. Motion denied.

2021-0168. *State v. Merrick.*

Greene App. No. 19-CA-52, 2020-Ohio-5209. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2021-0063. State v. Dames.

Cuyahoga App. No. 109090, 2020-Ohio-4991. Appeal accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Kennedy and Donnelly, JJ., would accept the appeal on all propositions of law.

Fischer, DeWine, and Stewart, JJ., dissent.

2021-0067. State v. Ferguson.

Lake App. No. 2020-L-031, 2020-Ohio-5578. Appeal accepted on proposition of law No. III. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*.

Kennedy and Donnelly, JJ., would accept the appeal on all propositions of law.

Brunner, J., would also accept the appeal on proposition of law No. II.

Fischer, DeWine, and Stewart, JJ., dissent.

2021-0170. Davis v. Nathaniel.

Summit App. No. 29761, 2020-Ohio-6858.

Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2020-1325. State v. Eberhardt.

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

2020-1334. State v. Tyus.

Summit App. No. 29520, 2020-Ohio-4455.

Donnelly, J., dissents.

2020-1474. State v. Rodriguez.

Lake App. No. 2019-L-125, 2020-Ohio-3242.

2021-0021. Yoby v. Cleveland.

Cuyahoga App. No. 108174, 2020-Ohio-3366.

Brunner, J., dissents.

2021-0022. State v. Stiles.

Hamilton App. No. C-190715.

DeWine and Brunner, JJ., dissent.

2021-0024. In re C.W.

Richland App. No. 2020 CA 0025, 2020-Ohio-5438.

2021-0025. In re L.W.

Richland App. No. 2020 CA 0026, 2020-Ohio-5439.

2021-0037. State v. Fox.

Franklin App. No. 19AP-677, 2020-Ohio-5521.

Brunner, J., not participating.

2021-0039. State v. Bernard.

Wood App. No. WD-19-072, 2020-Ohio-5545.

Donnelly, J., dissents and would appoint counsel.

2021-0040. State v. Houston.

Hamilton App. No. C-190598, 2020-Ohio-5421.

2021-0041. State v. Haputa.

Ashland App. No. 20-COA-016, 2020-Ohio-6925.

DeWine, J., dissents.

2021-0044. State v. Mora.

Medina App. No. 20CA0023-M, 2020-Ohio-5455.

O'Connor, C.J., dissents and would reverse the judgment of the court of appeals and would remand the cause for application of *State v. Dent*, __ Ohio St.3d __, 2020-Ohio-6670, __ N.E.3d __, and *State v. Groce*, __ Ohio St.3d __, 2020-Ohio-6671, __ N.E.3d __.

2021-0049. Buckeye Firearms Found., Inc. v. Cincinnati.

Hamilton App. No. C-190569, 2020-Ohio-5422.

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

2021-0052. State v. Doss.

Cuyahoga App. No. 109235, 2020-Ohio-5510.

2021-0053. Hall v. GMS Mgt. Co., Inc.
Summit App. No. 29726, 2020-Ohio-5601.

2021-0054. Hartline v. Atkinson.
Monroe App. No. 20 MO 0004, 2020-Ohio-5605.

Donnelly, J., dissents and would accept the appeal on proposition of law Nos. I and II and would hold the cause for the decisions in 2020-0773, *Fonzi v. Brown*, and 2020-0861, *Fonzi v. Miller*.

Stewart, J., dissents and would hold the cause for the decisions in 2020-0773, *Fonzi v. Brown*, and 2020-0861, *Fonzi v. Miller*.

Brunner, J., dissents.

2021-0058. Frank v. S.W. Ohio Regional Transit Auth.
Hamilton App. No. C-200015, 2020-Ohio-5497.

Stewart and Brunner, JJ., dissent.

2021-0061. Hillman v. Larrison.
Franklin App. No. 20AP-7, 2020-Ohio-5522.
Brunner, J., not participating.

2021-0069. State v. Sanchez.
Ashtabula App. No. 2018-A-0097, 2020-Ohio-5576.

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

2021-0070. Armatas v. Koberlein.
Stark App. No. 2019-CA-00129.

2021-0082. State v. Boyd.
Erie App. No. E-20-006, 2020-Ohio-6866.

2021-0088. State v. Daniels.
Butler App. No. CA2020-06-065, 2020-Ohio-5564.

2021-0091. Irvin v. Eichenberger.
Franklin App. No. 19AP-417, 2020-Ohio-4962. Appellee's motion to dismiss denied. Appellant's motion to strike appellee's motion to dismiss denied.
Brunner, J., not participating.

2021-0121. State v. Boyce.

Clark App. No. 2018-CA-77, 2020-Ohio-3573.

2021-0128. State v. Ellis-Byrom.

Stark App. No. 2020CA00112, 2020-Ohio-6693.

O'Connor, C.J., and Fischer, J., would refer the matter to the Office of Disciplinary Counsel to determine whether Azurel Alpha El Bey engaged in the unauthorized practice of law.

2021-0138. Sbicca v. Sbicca.

Franklin App. No. 19AP-840.

2021-0150. U.S. Bank Natl. Assn. v. George.

Franklin App. No. 20AP-43, 2020-Ohio-6758.

Brunner, J., not participating.

2021-0160. State v. Stepp.

Butler App. No. CA2020-05-062, 2020-Ohio-6901.

2021-0179. State v. Oteng.

Franklin App. No. 19AP-763, 2020-Ohio-6939.

Brunner, J., not participating.

2021-0180. Rutana v. Koulianos.

Mahoning App. Nos. 19 MA 0087 and 19 MA 0120, 2020-Ohio-6848.

Fischer, J., dissents.

2021-0188. State v. Baker.

Mahoning App. No. 19 MA 0080, 2020-Ohio-7023.

Brunner, J., dissents and would accept the appeal on proposition of law Nos. II and IV.

2021-0193. State v. Stevens.

Lucas App. No. L-19-1219, 2020-Ohio-6981.

2021-0218. State v. Sands.

Lake App. No. 2020-L-076, 2020-Ohio-6682.

2021-0220. State v. Warren.

Summit App. No. 29455, 2020-Ohio-6990.

RECONSIDERATION OF PRIOR DECISIONS

2020-1145. State v. Heckathorn.

Columbiana App. No. 19 CO 0004, 2020-Ohio-1107. Reported at 161 Ohio St.3d 1407, 2021-Ohio-106, 161 N.E.3d 684. On motion for reconsideration. Motion denied.

2020-1350. LNV Corp. v. Kempffer.

Geauga App. No. 2019-G-0232, 2020-Ohio-4527. Reported at 161 Ohio St.3d 1409, 2021-Ohio-106, 161 N.E.3d 697. On motion for reconsideration. Motion denied.
Brunner, J., dissents.

2020-1360. State ex rel. Arega v. Tenth Dist. Court of Appeals.

In Mandamus. Reported at 161 Ohio St.3d 1414, 2021-Ohio-120, 161 N.E.3d 704. On petition for rehearing or reconsideration. Petition denied. Request for final, appealable order and entry denied.
Brunner, J., not participating.

2020-1374. Jonas v. Durrani.

Hamilton App. No. C-180457, 2020-Ohio-3787. Reported at 161 Ohio St.3d 1409, 2021-Ohio-106, 161 N.E.3d 691. On motion for reconsideration. Motion denied.
Fischer and DeWine, JJ., not participating.

2020-1375. Carr v. Durrani.

Hamilton App. No. C-180458, 2020-Ohio-3787. Reported at 161 Ohio St.3d 1410, 2021-Ohio-106, 161 N.E.3d 691. On motion for reconsideration. Motion denied.
Donnelly, J., dissents.
W. Scott Gwin, J., of the Fifth District Court of Appeals, sitting for Fischer, J.
William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeWine, J.

2020-1386. State v. Partin.

Butler App. No. CA2019-05-079, 2020-Ohio-4624. Reported at 161 Ohio St.3d 1410, 2021-Ohio-106, 161 N.E.3d 694. On motion for reconsideration. Motion denied.

2020-1397. State ex rel. Banks v. Medina Cty. Court of Common Pleas.

In Mandamus and Procedendo. Reported at 161 Ohio St.3d 1415, 2021-Ohio-120, 161 N.E.3d 711. On motion for reconsideration. Motion denied.

2020-1412. State v. Haynie.

Muskingum App. No. CT2020-0012. Reported at 161 Ohio St.3d 1410, 2021-Ohio-106, 161 N.E.3d 695. On motion for reconsideration. Motion denied.

2020-1418. In re Wesley v. Cuyahoga Cty. Court of Common Pleas.

Cuyahoga App. No. 109930, 2020-Ohio-4921. Reported at 161 Ohio St.3d 1412, 2021-Ohio-174, 161 N.E.3d 699. On motion for reconsideration. Motion granted. Appellant shall file his merit brief within 40 days.

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