

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 19, 2022

[Cite as *10/19/2022 Case Announcements*, 2022-Ohio-3636.]

MERIT DECISIONS WITH OPINIONS

2020-0652. State v. Drain, Slip Opinion No. 2022-Ohio-3697.

Warren C.P. No. 19CR35870. Judgment affirmed. Sentence ordered to be carried into execution by the warden of the Southern Ohio Correctional Facility or, in his absence, by the deputy warden on Tuesday, November 24, 2026.

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

Brunner, J., concurs in part and dissents in part, with an opinion.

2021-0481. State v. Bellamy, Slip Opinion No. 2022-Ohio-3698.

Delaware App. No. 19 CAA 08 0048, [2021-Ohio-40](#). Judgment reversed in part and cause remanded.

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

2022-0279. State ex rel. Robinson v. Fender, Slip Opinion No. 2022-Ohio-3701.

Trumbull App. No. 2021-T-0048, [2022-Ohio-580](#). Judgment affirmed. Appellee's motion to strike appellant's brief denied as moot.

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

2022-0712. Disciplinary Counsel v. Sharp, Slip Opinion No. 2022-Ohio-3702.

On Certified Report by the Board of Professional Conduct, No. 2021-023. Marianne Kathleen Sharp, Attorney Registration No. 0085179, last known

business address in Columbus, Ohio, indefinitely suspended from the practice of law and ordered to make restitution of \$2,900 to Mac Reynolds within 60 days.

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

MERIT DECISIONS WITHOUT OPINIONS

2020-0508. State v. Metz.

Cuyahoga App. Nos. 107212, 107261, 107259, and 107246. On appellee Justin Browning's motion to dismiss as improvidently granted. Sua sponte, cause remanded to the trial court pursuant to R.C. 2953.21 on condition that appeal shall be reinstated if the trial court's judgment granting the petition for postconviction relief is reversed on appeal. *See* R.C. 2953.21(F) and (H). Motion denied as moot.

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

Kennedy, Fischer, and DeWine, JJ., would deny the motion.

2021-0960. State ex rel. Palm v. McClain.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2022-0425. State ex rel. Cincinnati Enquirer v. Stickrath.

In Mandamus. On joint motion for issuance of alternative writ. Motion granted. The following schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief. Sua sponte, respondent ordered to file under seal unredacted copies of all withheld records for in camera inspection.

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

DeWine, J., not participating.

2022-0844. State ex rel. Mobley v. Dorrian.

In Mandamus and Procedendo. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2022-0874. State ex rel. Mitchell v. Eighth Dist. Court of Appeals.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2022-0895. State ex rel. Brown v. First Dist. Court of Appeals Judges.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion to strike denied. Cause dismissed.

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

Fischer, J., not participating.

2022-0896. State ex rel. Sheppard v. Hamilton Cty. Common Pleas Court.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2022-0917. Ryan v. Franklin Cty. Court of Common Pleas.

In Mandamus and Prohibition. On relator's motions for production and filing of official transcripts, for immediate stay of all proceedings, and for correction of docket and appointment of special master in Franklin C.P. No. 21 DR 004418. Motions denied. Respondents' motion to dismiss granted. Cause dismissed.

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

2022-0927. State ex rel. Howson v. Delaware Cty. Sheriff's Office.

In Mandamus. On respondent's motion to dismiss. Motion denied. Sua sponte, alternative writ granted. The following schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days

after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

Fischer, Donnelly, and Stewart, JJ., dissent and would grant the motion.

2022-0962. State ex rel. McCorkle v. Young.

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

DeWine, J., dissents and would grant an alternative writ.

2022-0965. State ex rel. Ayers v. Chambers-Smith.

In Mandamus. Sua sponte, cause dismissed. Relator's motion to proceed without a response denied as moot.

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

Donnelly, J., dissents and would grant an alternative writ.

2022-0974. Squires v. State.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2022-0983. State ex rel. Straughter v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion denied. Sua sponte, alternative writ granted. The following schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

Fischer and Donnelly, JJ., dissent and would grant the motion.

2022-1000. State ex rel. Pointer v. Russo.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to strike the motion to dismiss denied. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2020-1498. State ex rel. Ware v. Crawford.

In Mandamus. On relator's motion for relief from judgment pursuant to Civ.R. 60(B)(2) and (5). Motion denied.

2022-0281. Knox v. State.

In Mandamus. On relator's amended request for relief under Civ.R. 60(D)(3). Request denied.

2022-0326. Robinson v. Schweitzer.

Madison App. No. CA2021-08-015, [2022-Ohio-568](#). On appellant's motion to certify conflict. Motion denied.

2022-0881. McCullough v. Bennett.

Montgomery App. No. 29390, [2022-Ohio-1880](#). On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

2022-1042. Weidman v. Hildebrant.

Warren App. No. CA 2021-09-084, [2022-Ohio-1708](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues as stated on page 3 of the court of appeals' July 21, 2022 entry: "Does the discovery rule apply to libel actions where the publication of the defamatory statements was secretive, concealed, or otherwise unknowable such that the cause of action does not accrue until the plaintiff discovers, or by the exercise of reasonable diligence should have discovered, that he or she was injured by the wrongful conduct of the defendant? Where a derivative claim is premised upon the same allegations, does the discovery rule apply to that claim as well?" The conflict cases are *Kienow v. Cincinnati Children's Hosp. Med. Ctr.*, 1st Dist. Hamilton No. C-140720, 2015-Ohio-4396; *Myles v. Johnson*, 2d Dist. Montgomery No. 21600, 2007-Ohio-2963; *Harvey v. Systems Effect, L.L.C.*, 2020-Ohio-1642, 154 N.E.3d 293 (2d Dist.); *Talwar v. Kattan*, 3d Dist. Allen No. 1-97-58, 1998 WL 151072 (Mar. 31, 1998); *Spitzer v. Knapp*, 5th Dist. Delaware No. 19

CAE 01 0006, 2019-Ohio-2701; *Cramer v. Fairfield Med. Ctr.*, 182 Ohio App.3d 653, 2009-Ohio-3338, 914 N.E.2d 447 (5th Dist.); *Lewis v. Delaware Cty. Joint Vocational School Dist.*, 161 Ohio App.3d 71, 2005-Ohio-2550, 829 N.E.2d 697 (5th Dist.); *Wilson v. Gannett Co., Inc.*, 7th Dist. Noble No. 19 NO 0470, 2020-Ohio-3643; *Reed v. Jagnow*, 7th Dist Mahoning No. 12 MA 201, 2013-Ohio-2546; *Sabouri v. Ohio Dept. of Job & Family Servs.*, 145 Ohio App.3d 651, 763 N.E.2d 1238 (10th Dist.2001); and *Altier v. Valentic*, 11th Dist. Geauga No. 2003-G-2521, 2004-Ohio-5641. Sua sponte, cause consolidated with 2022-0837, *Weidman v. Hildebrant*, and briefing in case Nos. 2022-0837 and 2022-1042 consolidated.

Fischer, J., dissents.

DeWine, J., not participating.

APPEALS ACCEPTED FOR REVIEW

2022-0787. Thomas v. Logue.

Franklin App. No. 21AP-385, [2022-Ohio-1603](#).

Donnelly and Brunner, JJ., dissent.

2022-0837. Weidman v. Hildebrant.

Warren App. No. CA2021-09-084, [2022-Ohio-1708](#). Sua sponte, cause consolidated with 2022-1042, *Weidman v. Hildebrant*, and briefing in case Nos. 2022-0837 and 2022-1042 consolidated.

Fischer, J., dissents.

DeWine, J., not participating.

2022-0879. McCullough v. Bennett.

Montgomery App. No. 29390, [2022-Ohio-1880](#). Appeal accepted on proposition of law Nos. I, II, and IV.

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

Fischer, J., would accept the appeal on proposition of law Nos. I and IV only.

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

Kennedy, J., dissents.

APPEALS NOT ACCEPTED FOR REIVEW

2022-0827. Szewczyk v. Century Fed. Credit Union.

Cuyahoga App. No. 110822, [2022-Ohio-1683](#).

Donnelly and Brunner, JJ., dissent.

2022-0833. State v. Tinchler.

Medina App. No. 21CA0060-M, [2022-Ohio-1701](#). Appellant's motion to stay trial-court case denied.

Donnelly and Stewart, JJ., dissent.

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