

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 25, 2022

[Cite as *10/25/2022 Case Announcements, 2022-Ohio-3752.*]

MERIT DECISIONS WITHOUT OPINIONS

2022-0937. Cook v. Hancock Cty.

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2022-1079. Daniels v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1123. State v. O'Day.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1207. Williams v. Perez.

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

2021-0155. State v. Harris.

Lucas App. No. L-20-1022, [2020-Ohio-4699](#). On motion for delayed appeal due to COVID-19. Motion denied. Motion for evidentiary hearing and oral argument denied.

2022-1059. State v. Gause.

Montgomery App. No. 29162, [2022-Ohio-2168](#). On motion for delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., and Fischer, J., dissent.

2022-1080. State v. Newton.

Cuyahoga App. No. 107200, [2019-Ohio-3653](#). On motion for delayed appeal. Motion denied.

Donnelly, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2022-0967. State v. Johnson.

Cuyahoga App. No. 110904, [2022-Ohio-2136](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

2022-0971. State v. Colon.

Cuyahoga App. No. 110931, [2022-Ohio-2137](#). Appeal accepted on proposition of law Nos. III through VII. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

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

2022-0981. State v. Jones.

Cuyahoga App. No. 110840, [2022-Ohio-2270](#). Appeal accepted on proposition of law Nos. III through VII. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2022-0988. State ex rel. Internatl. Assn. of Fire Fighters, Local 1536, AFL-CIO v. Barbish.

Lake App. No. 2021-L-103, [2022-Ohio-2201](#).

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

2022-0993. In re E.S.

Cuyahoga App. No. 110378, [2021-Ohio-4606](#).

Fischer, Donnelly, and Brunner, JJ., dissent.

2022-1013. State v. Sharp.

Cuyahoga App. No. 110944, [2022-Ohio-2274](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

O'Connor, C.J., would accept the appeal on proposition of law Nos. I through V only.

Kennedy and DeWine, JJ., dissent.

2022-1014. State v. Darden.

Cuyahoga App. No. 111065, [2022-Ohio-2276](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2022-1021. State v. Bolden.

Cuyahoga App. No. 110841, [2022-Ohio-2271](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Kennedy and DeWine, JJ., dissent.

2022-1088. State v. Guyton.

Hamilton App. No. C-190657, [2022-Ohio-2962](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

DeWine, J., dissents.

2022-1089. State v. Mosley.

Hamilton App. Nos. C-200268 and C-200269. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

DeWine, J., not participating.

2022-1090. State v. O'Neal.

Hamilton App. No. C-190736, [2022-Ohio-3017](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

APPEALS NOT ACCEPTED FOR REVIEW

2022-0731. State v. Brown.

Stark App. No. 2021CA00106, [2022-Ohio-981](#). Appellant's motion for the court to take judicial notice pursuant to Civ.R. 44.1 denied.

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

2022-0941. State v. Lanham.

Coshocton App. No. 2022 CA 0003, [2022-Ohio-2014](#).

2022-0942. Cincinnati Ins. Co. v. LOMC, L.L.C.

Jefferson App. No. 21 JE 0012, [2022-Ohio-930](#).

Kennedy, J., dissents.

Fischer and Brunner, JJ., dissent and would accept the appeal on proposition of law No. I.

2022-0943. State v. Crowthers.

Muskingum App. Nos. CT-2021-0066 and CT-2021-0067, [2022-Ohio-2206](#).

2022-0948. State v. Johnston.

Warren App. No. CA2021-09-0865.

2022-0949. Mansfield v. Feagin.

Richland App. No. 2021 CA 0064, [2022-Ohio-2207](#).

2022-0951. State v. Parker.

Cuyahoga App. No. 110563, [2022-Ohio-2355](#).

2022-0961. State v. Olman.

Belmont App. No. 21 BE 0034, [2022-Ohio-2647](#).

2022-0963. State v. Converse.

Auglaize App. No. 2-22-12.

2022-0970. Sal's Heating & Cooling, Inc. v. BERS Acquisition Co., L.L.C.

Cuyahoga App. No. 110685, [2022-Ohio-1756](#).

2022-0972. State v. Richards.

Washington App. No. 22CA1.

2022-0976. State v. Casey.

Trumbull App. No. 2021-T-0029, [2022-Ohio-2199](#).

2022-0982. State v. Phillips.

Allen App. No. 1-22-13.

2022-0984. Lima Refining Co. v. Linde Gas N. Am., L.L.C.

Allen App. No. 1-22-08, [2022-Ohio-2185](#).

2022-0985. State v. Lyons.

Franklin App. Nos. 21AP-156 and 21AP-157, [2022-Ohio-2224](#).

Fischer, J., not participating.

2022-0992. In re W.G.

Jefferson App. No. 2022 JE 0003.

2022-0999. State v. Pointer.

Cuyahoga App. No. 110918, [2022-Ohio-1942](#).

2022-1001. Pertuset v. Hull.

Scioto App. No. 21CA3959, [2022-Ohio-2348](#).

2022-1007. State v. Szozda.

Lucas App. No. L-21-1026, [2022-Ohio-2294](#).

2022-1011. J.D.G. v. J.C.S.

Stark App. No. 2021CA00078.

2022-1012. State v. Powers.

Summit App. No. 30025, [2022-Ohio-2233](#).

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

2022-1015. Meyerson v. Fairlawn.

Summit App. Nos. 29603, 27988, 29794, and 29797, [2022-Ohio-2255](#).

Donnelly, J., dissents.

2022-1017. State ex. rel. Hemphill v. Ohio State Emp. Relations Bd.

Franklin App. No. 21AP-469, [2022-Ohio-2299](#).

2022-1019. In re S.P.

Cuyahoga App. No. 111081, [2022-Ohio-2277](#).

2022-1027. State v. Brown.

Stark App. No. 2022CA00067.

2022-1051. State v. Payton.

Scioto App. No. 21CA3952, [2022-Ohio-1726](#).

2022-1107. Marshall v. Ginther.

Franklin App. No. 21AP-664, [2022-Ohio-2699](#).

Fischer, J., not participating.

2022-1118. State v. Ridley.

Hamilton App. No. C-210458, [2022-Ohio-2561](#).

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

RECONSIDERATION OF PRIOR DECISIONS

2019-1482. State v. Whitaker.

Cuyahoga C.P. No. CR-17-614021-A. Reported at ___ Ohio St.3d ___, [2022-Ohio-2840](#), ___ N.E.3d ___. On motion for reconsideration. Motion denied. Appellant's motion to stay mandate denied.

2022-0669. State v. Washington.

Miami App. No. 2020-CA-18, [2022-Ohio-1426](#). Reported at 167 Ohio St.3d 1483, 2022-Ohio-2765, 192 N.E.3d 508. On motion for reconsideration. Motion denied.

2022-0672. Pulaski v. Bur. of Workers' Comp.

Montgomery App. No. 29356, [2022-Ohio-1344](#). Reported at 167 Ohio St.3d 1483, 2022-Ohio-2765, 192 N.E.3d 517. On motion for reconsideration. Motion denied.

2022-0679. Rodriguez v. Catholic Charities Corp.

Cuyahoga App. No. 110743, [2022-Ohio-1317](#). Reported at 167 Ohio St.3d 1483, 2022-Ohio-2765, 192 N.E.3d 512. On motion for reconsideration. Motion denied.

2022-0703. Frye v. Am. Honda Motor Co., Inc.

Lorain App. No. 20CA011641, [2022-Ohio-878](#). Reported at 167 Ohio St.3d 1497, 2022-Ohio-2953, 193 N.E.3d 575. On motion for reconsideration. Motion denied.

2022-0783. In re M.M.

Stark App. No. 2021CA00159, [2022-Ohio-1569](#). Reported at 167 Ohio St.3d 1483, 2022-Ohio-2765, 192 N.E.3d 513. On motion for reconsideration. Motion denied.

Brunner, J., would sua sponte strike the motion.

2022-1103. State ex rel. Sanduskians for Sandusky v. Sandusky.

In Mandamus. Reported at ___ Ohio St.3d ___, [2022-Ohio-3362](#), ___ N.E.3d ___. On motion for reconsideration. Motion denied. Motion of respondents city of Sandusky, Law Director Brendan Heil, Dick Brady, Dennis Murray, Blake Harris, Mike Meinzer, Steve Poggiali, Wes Poole, and Dave Waddington for removal to regular docket denied.

O'Connor, C.J., would deny as moot respondents' motion for removal.

Donnelly and Brunner, JJ., dissent and would grant respondents' motion for reconsideration.