

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 13, 2022

[Cite as *12/13/2022 Case Announcements, 2022-Ohio-4380.*]

MERIT DECISIONS WITHOUT OPINIONS

2022-0926. McNutt v. Kiggans.

In Habeas Corpus and Prohibition. On respondents' motion for judgment on pleadings. Motion granted. Respondent Brandon Waltenbaugh's motion to dismiss granted. Petitioners' emergency motion for return of child denied. Petitioners' motion for comment, motion for review, request for evidentiary hearing, request to set precedent, request to prove that petitioners filed a motion for reconsideration in case Nos. 2022-0783 and 2022-0426, motion to review the pleadings in case No. 2022-0426, motion to strike, motion to schedule trial, motion to grant habeas corpus relief, motion to review new evidence, motion for subpoena, request to move for new evidence, request to move for a challenge, motion for review of perjury, complaint for replevin, and motion for order of possession of property denied as moot. Cause dismissed.

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

Kennedy, J., would deny petitioners' motion for comment, motion for review, request for evidentiary hearing, request to set precedent, request to prove that petitioners filed a motion for reconsideration in case Nos. 2022-0783 and 2022-0426, motion to review the pleadings in case No. 2022-0426, motion to strike, motion to schedule trial, motion to grant habeas corpus relief, motion to review new evidence, motion for subpoena, request to move for new evidence, request to move for a challenge, motion for review of perjury, complaint for replevin, and motion for order of possession of property.

Fischer, J., would deny petitioners' motion to strike.

Stewart, J., would deny petitioners' motion for comment, motion for review, request for evidentiary hearing, request to set precedent, request to prove that

petitioners filed a motion for reconsideration in case Nos. 2022-0783 and 2022-0426, motion to review the pleadings in case No. 2022-0426, and motion to strike.

Brunner, J., would deny petitioners' emergency motion for return of child as moot and would deny petitioners' complaint for replevin and motion for order of possession of property.

2022-1285. State ex rel. Griffin v. Cocroft.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1300. Foster v. Foley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1303. Crockett v. O'Malley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1304. Redic v. Warden.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1308. Crockett v. O'Malley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2022-1318. Hopkins v. O'Malley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

APPEALS ACCEPTED FOR REVIEW

2022-1137. State v. Clark.

Fairfield App. No. 2021 CA 00025, [2022-Ohio-2693](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Kennedy and DeWine, JJ., dissent.

2022-1144. State v. Waters.

Cuyahoga App. No. 110821, [2022-Ohio-2667](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

DeWine, J., dissents.

2022-1146. State v. Harrison.

Logan App. No. 8-22-05, [2022-Ohio-2537](#). Appeal accepted on proposition of law No. V. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

Fischer and DeWine, JJ., dissent.

2022-1162. State v. Brown.

Cuyahoga App. No. 111148, [2022-Ohio-2686](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2022-1167. State v. Crawford.

Cuyahoga App. No. 110986, [2022-Ohio-2673](#). Appeal accepted on proposition of law Nos. IV through VII. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

Fischer, J., dissents.

2022-1182. State v. Brown.

Hamilton App. No. C-210355, [2022-Ohio-2752](#).

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

2022-1200. State v. R.W.

Cuyahoga App. No. 110858, [2022-Ohio-2771](#). Appeal accepted on proposition of law Nos. II, III, and IV. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

Fischer, J., dissents.

2022-1203. State v. Toran.

Hamilton App. No. C-210431, [2022-Ohio-2796](#).

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

Sean C. Gallagher, J., of the Eighth District Court of Appeals, sitting for Fischer, J.

2022-1231. State v. Carano.

Cuyahoga App. No. 111248, [2022-Ohio-2872](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Kennedy and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2022-0822. State v. Ford.

Union App. No. 14-21-10, [2022-Ohio-161](#). Appellant's request for service by certified or express mail denied.

Fischer, J., would deny the request as moot.

2022-1005. State v. Perkins.

Mahoning App. No. 2021 MA 0073.

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

2022-1028. Hamm v. Lorain Coal & Dock Co.

Belmont App. No. 20 BE 0030, [2022-Ohio-2644](#). Appeal and cross-appeal not accepted. Appellants/cross-appellees' motion to dismiss cross-appeal denied.

Fischer, J., would grant the motion.

2022-1099. State v. Justice.

Franklin App. No. 22AP-437. Appellant's petition to stay trial and petition for order of release from imprisonment denied. Appellee's motion to dismiss appeal denied as moot.

Donnelly and Stewart, JJ., would grant appellee's motion.

Kennedy, J., would deny appellee's motion.

2022-1129. State v. Osterman.

Hamilton App. No. C-200415, [2022-Ohio-2751](#).

Kennedy, J., dissents.

Fischer and DeWine, JJ., not participating.

2022-1130. Fikes v. Estate of Fikes.

Hamilton App. No. C-210515, [2022-Ohio-2075](#).

Fischer, J., not participating.

2022-1136. Wicks v. Lover's Lane Mkt.

Summit App. No. 30019, [2022-Ohio-2652](#).

Kennedy, J., dissents.

2022-1138. Ricksecker v. Thomson.

Portage App. No. 2021-P-0095, [2022-Ohio-2628](#).

2022-1140. Momotaz v. Sattar.

Cuyahoga App. No. 111034, [2022-Ohio-2676](#).

Fischer, J., dissents.

2022-1147. State v. Bowman.

Darke App. No. 2021-CA-14, [2022-Ohio-2705](#).

2022-1152. State v. Thomas.

Hamilton App. No. C-150581, [2017-Ohio-4403](#).

Fischer, J., not participating.

2022-1153. State v. Flenner.

Trumbull App. No. 2022-T-0003, [2022-Ohio-2831](#).

2022-1156. Buehner v. Cheselka.

Cuyahoga App. No. 111165, [2022-Ohio-2687](#).

Fischer, J., dissents.

2022-1160. State v. Read-Bates.

Cuyahoga App. No. 111136, [2022-Ohio-2684](#).

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

2022-1161. State v. Staken.

Cuyahoga App. No. 111088, [2022-Ohio-2680](#).

Fischer and Brunner, JJ., dissent.

2022-1163. State v. McVean.

Hamilton App. Nos. C-210459 and C-210460, [2022-Ohio-2753](#).

Fischer and DeWine, JJ., dissent.

2022-1164. State v. Hecox.

Van Wert App. No. 15-21-09, [2022-Ohio-2325](#).

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

Donnelly, J., dissents and would accept the appeal on proposition of law Nos. I and II.

2022-1168. Solon v. Solon.

Stark App. No. 2021CA00143. Appellee's motion to dismiss and motion for sanctions denied.

Kennedy and Stewart, JJ., would deny the motion to dismiss as moot.

Donnelly, J., would grant the motions.

2022-1169. Solon v. Solon.

Stark App. No. 2022CA00013. Appellee's motion to dismiss and for sanctions denied.

Donnelly, J., would grant the motion.

2022-1170. Solon v. Solon.

Stark App. No. 2022CA00017. Appellee's motion to dismiss and motion for sanctions denied.

Kennedy, J., would deny the motion to dismiss as moot.

Fischer, J., would deny the motion to dismiss as moot and would grant the motion for sanctions.

Donnelly, J., would grant the motions.

2022-1171. State v. Wolfe.

Athens App. No. 21CA5, [2022-Ohio-2921](#).

Brunner, J., dissents.

2022-1175. State v. Welch.

Coshocton App. No. 22CA0021.

2022-1179. State v. Jewell.

Warren App. No. CA2021-09-080, [2022-Ohio-2727](#).

2022-1180. State v. Chute.

Union App. No. 14-22-02, [2022-Ohio-2722](#).

Donnelly, J., dissents.

2022-1189. Sunset Cove Community Assn., Inc. v. Whetzel.

Lake App. No. 2021-L-123, [2022-Ohio-2738](#).

2022-1192. State v. Peterson.

Cuyahoga App. No. 109306, [2022-Ohio-2766](#).

2022-1193. Raymont v. Raymont.

Coshocton App. No. 2021CA0029, [2022-Ohio-2389](#).

Kennedy, J., dissents.

2022-1194. State v. El-Amin.

Lucas App. No. L-21-1175, [2022-Ohio-2905](#).

2022-1201. State v. Johnson.

Cuyahoga App. No. 111040, [2022-Ohio-2773](#).

Kennedy and Stewart, JJ., dissent.

2022-1204. State v. Wilson.

Cuyahoga App. No. 110763, [2022-Ohio-2769](#).

2022-1230. State v. Dennis.

Montgomery App. No. 29266, [2022-Ohio-2888](#).

2022-1279. State ex rel. Ames v. Portage Cty. Bd. of Revision.

Portage App. No. 2022-P-0015, [2022-Ohio-3003](#).

2022-1282. State v. DeVore.

Ashland App. No. 2022-COA-024, [2022-Ohio-3314](#). Appellant's motion to report violation of Prof.Cond.R. 3.3 denied.

2022-1295. State v. Black.

Franklin App. No. 22AP-180, [2022-Ohio-3119](#).

RECONSIDERATION OF PRIOR DECISIONS

2021-0573. State v. Stiltner.

Scioto App. No. 19CA3882, [2021-Ohio-959](#). Reported at __ Ohio St.3d __, 2022-Ohio-3589, __ N.E.3d __. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

2021-0836. State ex rel. DeMarco v. Indus. Comm.

Franklin App. No. 19AP-227, [2021-Ohio-1937](#). Reported at 168 Ohio St.3d 1408, 2022-Ohio-3591, 195 N.E.3d 1048. On motion for reconsideration. Motion denied.

Fischer, J., dissents.

Brunner, J., dissents and would stay briefing and order an update in 60 days.

2022-0954. State v. Russaw.

Cuyahoga App. No. 111315, [2022-Ohio-2145](#). Reported at 167 Ohio St.3d 1528, 2022-Ohio-3322, 195 N.E.3d 171. On motion for reconsideration. Motion denied.

2022-1049. State v. Jones.

Cuyahoga App. Nos. 110833 and 111020, [2022-Ohio-2133](#). Reported at 168 Ohio St.3d 1408, 2022-Ohio-3591, 195 N.E.3d 1049. On motion for reconsideration. Motion granted. The case shall proceed in accordance with the Rules of Practice of the Supreme Court of Ohio.

Kennedy and Donnelly, JJ., dissent.