

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 28, 2022

[Cite as *12/28/2022 Case Announcements*, 2022-Ohio-4670.]

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## MERIT DECISIONS WITH OPINIONS

**2021-0980. Doe v. Greenville City Schools, Slip Opinion No. 2022-Ohio-4618.**

Darke App. No. 2020-CA-4, [2021-Ohio-2127](#). Judgment affirmed.

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

Fischer, J., concurs in judgment only.

Kennedy, J., dissents, with an opinion joined by DeWine and Donnelly, JJ.

**2021-1060. State v. Brasher, Slip Opinion No. 2022-Ohio-4703.**

Butler App. No. CA-2020-08-094, [2021-Ohio-1688](#). Judgment affirmed.

Fischer, Donnelly, and Brunner, JJ., concur.

O'Connor, C.J., concurs in judgment only, with an opinion.

Kennedy and Stewart, JJ., concur in judgment only.

DeWine, J., concurs in judgment only, with an opinion.

**2022-0107. In re N.D., Slip Opinion No. 2022-Ohio-4672.**

Licking App. Nos. 21 CA 0040 and 21 CA 0041, [2021-Ohio-4506](#). Judgment reversed on the authority of *In re D.R.*, \_\_ Ohio St.3d \_\_, 2022-Ohio-4493, \_\_ N.E.3d \_\_, and cause remanded to the juvenile court to conduct a new completion-of-disposition hearing that takes into account the holding in *D.R.*

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

Kennedy and DeWine, JJ., dissent and would order briefing.

Fischer, J., dissents and would dismiss the cause as having been improvidently accepted.

**2022-0136. State v. Carlock, Slip Opinion No. 2022-Ohio-4673.**

Jefferson App. No. 19 JE 0017, [2021-Ohio-4550](#). Cause dismissed as having been improvidently accepted.

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

DeWine and Stewart, JJ., dissent and would order briefing and schedule oral argument.

**MERIT DECISIONS WITHOUT OPINIONS**

**2022-0866. State ex rel. Marcellino v. Geauga Cty. Humane Soc., Inc.**

In Mandamus. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

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

**2022-0876. State ex rel. Harding v. Costello.**

In Procedendo. Sua sponte, cause dismissed as moot.

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

**2022-0977. State ex rel. Ctr. for Media & Democracy v. Yost.**

In Mandamus. On respondent's motion for judgment on the pleadings. 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, relators 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 relators' brief, and relators may file a reply brief within 7 days after the filing of respondent's brief. Relators' motion to supplement exhibits attached to complaint granted.

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

DeWine, J., concurs in part and dissents in part and would grant the motion for judgment on the pleadings.

Kennedy and Fischer, JJ., dissent.

**2022-1145. State ex rel. Sultaana v. Marion Corr. Inst.**

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.

**2022-1150. State ex rel. Reese v. Trumbull Cty. Court of Common Pleas.**

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.

**2022-1173. State ex rel. Gauthier v. Luebbers.**

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.

**2022-1176. State ex rel. Hughes v. Lakota Local School Dist. Bd. of Edn.**

In Mandamus. 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, respondents 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 respondents' brief.

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

**2022-1177. Chapman v. Richland Cty. Sheriff's Dept.**

In Mandamus. On relator's motion to certify a conflict. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

**2022-1181. Weatherford v. DeWine.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Relator's "cause for action" denied. Cause dismissed.

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

**2022-1184. State v. Tate.**

In Mandamus. On motions to dismiss of respondents Cincinnati Police Department (district No. 4) and Hamilton County Clerk of Courts. Motions granted. Sua sponte, cause dismissed as to respondent Clyde Bennett II. Cause dismissed.

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

**2022-1198. Dameh v. Williams.**

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.

**2022-1213. Chapman v. Mansfield.**

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.

**2022-1216. State ex rel. Woods v. Jenkins.**

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.

**2022-1218. State ex rel. Clemons v. Bur. of Workers' Comp. Bd. of Dirs.**

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.

**2022-1228. Combs v. Cincinnati.**

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

Kennedy, Donnelly, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer and DeWine, JJ., concur and would sua sponte declare relator to be a vexatious litigator.

**2022-1233. Knox v. Ohio Dept. of Rehab. & Corr.**

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

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

**2022-1260. State ex rel. Urbina v. Defiance Cty. Court of Common Pleas.**

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.

**2022-1263. Lamont v. State.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Relators' motion to grant petition and motion to strike motion to dismiss denied. Cause dismissed.

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

**2022-1273. Whitacre v. Riddle.**

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.

**2022-1291. Whitacre v. Trouten.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Relator's motion for permission to add included information and documents in support of the complaint denied. Cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2022-0326. Robinson v. Schweitzer.**

Madison App. No. CA2021-08-015, [2022-Ohio-568](#). On appellant's demand for order of immediate release, "motion in arrest," and motion for new trial. Demand and motions denied.

**2022-0732. McCarthy v. Lee.**

Franklin App. No. 21AP-426, [2022-Ohio-1413](#). On appellees' motion to strike/clarify portions of appellant's merit brief. Motion denied.

DeWine and Brunner, JJ., concur in part and dissent in part and would strike proposition of law No. I.

**2022-1237. State v. Lewis.**

Geauga App. No. 2021-G-0034, [2022-Ohio-3006](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 5 of the court of appeals' September 26, 2022 entry: "When a police officer conducts a valid vehicle stop due to the legal status of the registered owner but learns upon approach that the driver is not the registered owner, may the officer continue detention of the vehicle and its occupants to ask the driver for identification?" The conflict case is *State v. Graves*, 9th Dist. Medina No. 2202, 1993 WL 261562 (July 14, 1993). Sua sponte, cause consolidated with 2022-1229, *State v. Lewis*; 2022-1227, *State v. Dunlap*; and 2022-1238, *State v. Dunlap*.

**2022-1238. State v. Dunlap.**

Geauga App. No. 2021-G-0037, [2022-Ohio-3007](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 6 of the court of appeals' September 26, 2022 entry: "When a police officer conducts a valid vehicle stop due to the legal status of the registered owner but learns upon approach that the driver is not the registered owner, may the officer continue detention of the vehicle and its occupants to ask the driver for identification?" The conflict case is *State v. Graves*, 9th Dist. Medina No. 2202, 1993 WL 261562 (July 14, 1993). Sua sponte, cause consolidated with 2022-1227, *State v. Dunlap*; 2022-1229, *State v. Lewis*; and 2022-1237, *State v. Lewis*.

**2022-1255. State v. Maxcy-Tipton.**

Wood App. No. WD-22-003, [2022-Ohio-3502](#). On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2022-0603, *State v. Daniel*, and briefing schedule stayed.

**2022-1331. Seid v. Roberts.**

Franklin App. No. 22AP-22. On appellant's motion for stay. Motion denied.

**2022-1344. Bashein v. Laurels of Chagrin Falls, L.L.C.**

Cuyahoga App. No. 111914. On appellants' motion for stay. Motion denied.  
Fischer, J., dissents.

**2022-1347. State ex rel. Boyle v. Fifth Dist. Court of Appeals Judges.**

In Prohibition. On relator's emergency motion for stay of judgment. Motion denied.

### APPEALS ACCEPTED FOR REVIEW

**2022-1227. State v. Dunlap.**

Geauga App. No. 2021-G-0037, [2022-Ohio-3007](#). Sua sponte, cause consolidated with 2022-1238, *State v. Dunlap*; 2022-1229, *State v. Lewis*; and 2022-1237, *State v. Lewis*.

Fischer, J., dissents.

**2022-1229. State v. Lewis.**

Geauga App. No. 2021-G-0034, [2022-Ohio-3006](#). Sua sponte, cause consolidated with 2022-1237, *State v. Lewis*; 2022-1227, *State v. Dunlap*; and 2022-1238, *State v. Dunlap*.

Fischer, J., dissents.

### MISCELLANEOUS DISMISSALS

**2022-1116. Helfrich v. Clerk of Courts.**

Licking App. No. 22CA0056. On appellees' motions to dismiss. Motions granted. Appellant's request to retitle or recaption action and motion to stay briefing denied as moot. Cause dismissed.

**2022-1252. Helfrich v. Hall.**

Licking App. No. 22CA0042. On appellees' motions to dismiss. Motions granted. Appellant's request for permission to refile denied as moot. Cause dismissed.