

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

September 27, 2022

[Cite as *09/27/2022 Case Announcements*, 2022-Ohio-3322.]

---

## MERIT DECISIONS WITHOUT OPINIONS

**2022-0957. Heiney v. Moore.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-0973. Squires v. State.**

On motion for delayed writ of habeas corpus. Sua sponte, cause dismissed.

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

**2022-0979. State ex rel. Lemasters v. Sheldon.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1009. Spears v. Columbus.**

In Habeas Corpus. Sua sponte, cause dismissed.

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

**2022-1018. State v. Davis.**

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

### **2022-0944. State v. Scott.**

Cuyahoga App. No. 109852, [2021-Ohio-2676](#). On motion for delayed appeal. Motion denied.

Fischer, Stewart, and Brunner, JJ., dissent.

## APPEALS ACCEPTED FOR REVIEW

### **2022-0820. State v. Alexander.**

Adams App. No. 21CA1144, [2022-Ohio-1812](#). 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*.

Kennedy, DeWine, and Stewart, JJ., dissent.

### **2022-0856. State v. Hope.**

Cuyahoga App. Nos. 110611, 110612, and 110613, [2022-Ohio-1753](#). Appeal accepted on proposition of law No. III. 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 and would also hold the cause for the decision in 2021-0579, *State v. Bunch*.

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

### **2022-0863. Acuity, A Mut. Ins. Co. v. Progressive Specialty Ins. Co.**

Portage App. No. 2021-P-0001, [2022-Ohio-1816](#).

Donnelly, Stewart, and Brunner, JJ., dissent.

### **2022-0869. State v. Doughty.**

Perry App. No. 20 CA 00001, [2021-Ohio-651](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

### **2022-0873. State v. McNary.**

Cuyahoga App. No. 110924, [2022-Ohio-1842](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

**2022-0887. State v. Davis.**

Auglaize App. No. 2-21-10, [2022-Ohio-1900](#). Appeal accepted on proposition of law No. I. 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 both propositions of law.  
Kennedy and DeWine, JJ., dissent.

**2022-0930. Ames v. Portage Cty. Budget Comm.**

Portage App. No. 2021-P-0074, [2022-Ohio-1905](#). Appeal accepted on proposition of law No. I. Sua sponte, cause held for the decision in 2021-0706, *Ames v. Rootstown Twp. Bd. of Trustees*.

Stewart, J., would accept the appeal on all propositions of law.  
Brunner, J., would also accept the appeal on proposition of law No. VI.  
Kennedy, Fischer, and Donnelly, JJ., dissent.

**2022-0990. State v. Heard.**

Cuyahoga App. No. 110722, [2022-Ohio-2266](#). Appeal accepted on proposition of law Nos. VII and VIII. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Fischer and DeWine, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2022-0036. Fontain v. Sandhu.**

Hamilton App. No. C-200011, [2021-Ohio-2750](#). Appellant's motion to strike memorandum in response to jurisdiction denied.

DeWine, J., not participating.

**2022-0443. State v. Jones.**

Jackson App. No. 20CA9, [2022-Ohio-561](#).

Stewart, J., dissents.  
Brunner, J., dissents and would appoint counsel.

**2022-0652. State v. Fitch.**

Licking App. Nos. 2020 CA 00020 and 2020 CA 00060, [2021-Ohio-1150](#).

**2022-0739. Butorac v. Osmic.**

Lake App. No. 2022-L-010, [2022-Ohio-1722](#).

**[2022-0817](#). State v. Russell.**

Ross App. No. 21CA3750, [2022-Ohio-1746](#).

**[2022-0819](#). State v. Fields.**

Muskingum App. No. CT2021-0071.

**[2022-0825](#). Clay v. Clay.**

Scioto App. No. 21-CA-3944.

**[2022-0826](#). Marshall v. Snider-Blake Business Serv., Inc.**

Franklin App. No. 21AP-700, [2022-Ohio-1869](#).

**[2022-0829](#). State v. Watters.**

Cuyahoga App. No. 110697, [2022-Ohio-1670](#).

**[2022-0832](#). State ex rel. Ames v. Geauga Cty. Bd. of Revision.**

Geauga App. No. 2021-G-0039, [2022-Ohio-2281](#).

Fischer, J., dissents.

**[2022-0835](#). State v. Nurein.**

Union App. No. 14-21-18, [2022-Ohio-1711](#).

**[2022-0839](#). State v. Liles.**

Allen App. No. 1-21-60, [2022-Ohio-1713](#).

Donnelly, J., dissents.

**[2022-0845](#). Phillips v. Acacia on the Green Condominium Assn.**

Cuyahoga App. No. 110636, [2021-Ohio-4521](#).

**[2022-0846](#). State v. Doss.**

Cuyahoga App. No. 111187, [2022-Ohio-1507](#).

**[2022-0851](#). State ex rel. DeWine v. ARCO Recycling, Inc.**

Cuyahoga App. No. 110703, [2022-Ohio-1758](#).

**[2022-0852](#). State v. Bruce.**

Franklin App. No. 21AP-376, [2022-Ohio-909](#).

**2022-0853. State v. Gray.**

Cuyahoga App. No. 111098, [2022-Ohio-1945](#).

**2022-0854. State v. Jones.**

Cuyahoga App. No. 110750, [2022-Ohio-1839](#).

Donnelly, J., not participating.

**2022-0855. State v. Smith.**

Clark App. No. 2021-CA-56, [2022-Ohio-1783](#).

**2022-0861. State v. Johnson.**

Hamilton App. No. C-210381, [2022-Ohio-1739](#).

Fischer, J., dissents.

DeWine, J., not participating.

**2022-0862. Bank of New York Mellon v. Mitchell.**

Hamilton App. No. C-210354

DeWine and Brunner, JJ., not participating.

**2022-0867. State v. Ruggles.**

Warren App. No. CA2021-03-023, [2022-Ohio-1804](#).

**2022-0868. Vitek v. Ward.**

Medina App. No. 21CA0004-M, [2022-Ohio-1797](#).

**2022-0872. State v. Wright.**

Lake App. Nos. 2021-L-107 and 2021-L108, [2022-Ohio-1815](#).

**2022-0878. Simon v. Larreategui.**

Miami App. No. 2021-CA-41, [2022-Ohio-1881](#).

Stewart, J., dissents.

**2022-0882. State v. Davis.**

Montgomery App. No. 29243, [2022-Ohio-1875](#).

Donnelly, J., dissents.

**2022-0885. State v. Horsley.**

Pickaway App. No. 99CA33.

**2022-0886. State v. Ayers.**

Stark App. No. 2021CA00134, [2022-Ohio-1910](#).

Donnelly, J., dissents and would accept the appeal on propositions of law Nos. III, IV, and V.

Brunner, J., dissents.

**2022-0901. State v. Ralls.**

Hamilton App. No. C-210410, [2022-Ohio-2110](#).

**2022-0908. State v. Bugno.**

Mahoning App. No. 20 MA 0030, [2022-Ohio-2008](#).

Brunner, J., not participating.

**2022-0916. State v. Hetrick.**

Geauga App. No. 2021-G-0022, [2022-Ohio-1993](#).

**2022-0919. State v. West.**

Greene App. No. 2021-CA-17, [2022-Ohio-2060](#).

**2022-0921. State v. Fikes.**

Hamilton App. No. C-060581.

Fischer and DeWine, JJ., not participating.

**2022-0923. State v. Simpson.**

Greene App. No. 2020-CA-38, [2021-Ohio-2700](#).

**2022-0947. State v. Russell.**

Montgomery App. No. 29177, [2022-Ohio-285](#).

**2022-0950. State v. Somerset.**

Montgomery App. No. 29249, [2022-Ohio-2170](#).

**2022-0954. State v. Russaw.**

Cuyahoga App. No. 111315, [2022-Ohio-2145](#).

Stewart, J., dissents.

**2022-0959. State v. Palmer.**

Mahoning App. No. 21 MA 0052, [2022-Ohio-2339](#).

**2022-0960. State v. Rojas.**

Franklin App. No. 22AP-348.

Fischer, J., not participating.

**2022-0980. Stern v. Rob Oldham Properties, L.L.C.**

Cuyahoga App. No. 110940, [2022-Ohio-2273](#).

**2022-0986. Barrett v. Ohio Dept. of Job & Family Servs.**

Franklin App. No. 21AP-532, [2022-Ohio-2152](#).

**2022-0989. State v. Marchak.**

Morrow App. No. 2021CA0010, [2022-Ohio-2611](#).

**2022-1010. State v. Mathis.**

Lucas App. No. L-21-1184, [2022-Ohio-2291](#).

## RECONSIDERATION OF PRIOR DECISIONS

**2019-1642. State v. Brinkman.**

Stark App. No. 2018CR1994. Reported at \_\_ Ohio St.3d \_\_, 2022-Ohio-2550, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied. 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 Wednesday, September 23, 2026, in accordance with the statutes so provided.

**2021-1463. State ex rel. M.D. v. Kelsey.**

Cuyahoga App. No. 110720, [2021-Ohio-4171](#). Reported at \_\_ Ohio St.3d \_\_, 2022-Ohio-2556, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2022-0390. Quesinberry v. Quesinberry.**

Montgomery App. No. 29192, [2022-Ohio-635](#). Reported at 167 Ohio St.3d 1467, 2022-Ohio-2490, 191 N.E.3d 437. On joint motion for reconsideration. Motion denied.

**2022-0462. Greer v. State.**

In Mandamus. Reported at 167 Ohio St.3d 1465, 2022-Ohio-2490, 191 N.E.3d 434. On motion for reconsideration. Motion denied.

**2022-0562. State v. Harrison.**

Logan App. No. 8-21-31, [2022-Ohio-741](#). Reported at 167 Ohio St.3d 1460, 2022-Ohio-2446, 190 N.E.3d 649. On motion for reconsideration. Motion denied.

**2022-0604. Lipin v. Brogan.**

In Mandamus and Prohibition. Reported at 167 Ohio St.3d 1466, 2022-Ohio-2490, 191 N.E.3d 441. On motion for reconsideration. Motion denied.

**2022-0643. Tayse v. Erdos.**

In Habeas Corpus. Reported at 167 Ohio St.3d 1456, 2022-Ohio-2446, 191 N.E.3d 633. On motion for reconsideration with hearing. Motion denied. Petitioner's request for judicial notice and hearing denied.

**2022-0864. Helfrich v. Hall.**

Licking App. No. 2021 CA 00077, [2022-Ohio-1852](#). Reported at 167 Ohio St.3d 1463, 2022-Ohio-2545, 191 N.E.3d 432. On motion for reconsideration. Motion denied.