

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 29, 2023

[Cite as *03/29/2023 Case Announcements #2*, 2023-Ohio-1027.]

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## MOTION AND PROCEDURAL RULINGS

### **2022-0733. State v. Jordan.**

Scioto App. No. 20CA3936, **2022-Ohio-1480**. Sua sponte, parties ordered to file supplemental briefs addressing whether the common pleas court's order disqualifying defense counsel constituted a final, appealable order within the meaning of R.C. 2505.02. The parties should further address this court's decision in *State v. Chambliss*, 128 Ohio St.3d 507, 2011-Ohio-1785, 947 N.E.2d 651, and the United States Supreme Court's decision in *Flanagan v. United States*, 465 U.S. 259, 104 S.Ct. 1051, 79 L.Ed.2d 288 (1984). All briefs shall be filed within 14 days. No responsive briefs permitted.

Donnelly, J., dissents and would not order supplemental briefing, because the issue to be briefed was not raised below.

Brunner, J., dissents.

### **2022-0734. State v. Johnson.**

Scioto App. No. 20CA3935, **2022-Ohio-1479**. Sua sponte, parties ordered to file supplemental briefs addressing whether the common pleas court's order disqualifying defense counsel constituted a final, appealable order within the meaning of R.C. 2505.02. The parties should further address this court's decision in *State v. Chambliss*, 128 Ohio St.3d 507, 2011-Ohio-1785, 947 N.E.2d 651, and the United States Supreme Court's decision in *Flanagan v. United States*, 465 U.S. 259, 104 S.Ct. 1051, 79 L.Ed.2d 288 (1984). All briefs shall be filed within 14 days. No responsive briefs permitted.

Donnelly, J., dissents and would not order supplemental briefing, because the issue to be briefed was not raised below.

Brunner, J., dissents.

**2022-1463. Repp v. Best.**

In Quo Warranto. Sua sponte, parties ordered to file supplemental briefs addressing the following question: When a judge is absent from office as result of a six-month suspension from the practice of law, does that suspension result in a R.C. 1901.10 “vacancy,” given the removal procedures in Ohio Constitution, Article II, Section 23; Ohio Constitution, Article IV, Section 17; and R.C. 3.07 through R.C. 3.10? Supplemental briefs not to exceed 20 pages. Each side’s brief shall be filed within 14 days. No reply briefs, stipulations, or requests for extension of time shall be filed, and the clerk of the court shall refuse to file any stipulations or requests for extension of time.