

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 11, 2023

[Cite as *04/11/2023 Case Announcements*, 2023-Ohio-1149.]

MERIT DECISIONS WITHOUT OPINIONS

2023-0303. Love v. Foley.

In Habeas Corpus. Sua sponte, cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2019-1482. State v. Whitaker.

Cuyahoga C.P. No. CR-17-614021-A. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2023-0192. State v. Ramilla.

Greene App. No. 2022-CA-35, [2022-Ohio-4318](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine, Donnelly, and Brunner, JJ., dissent.

2023-0204. State v. Wood.

Perry App. No. 22-CA-00002, [2022-Ohio-3536](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Brunner and Deters, JJ., dissent.

2023-0227. State v. Miller.

Montgomery App. No. 29099, [2022-Ohio-213](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, C.J., and Fischer and DeWine, JJ., dissent.

2023-0232. State v. Scott.

Delaware App. No. 21 CAA 09 0042, [2022-Ohio-2860](#). On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2023-0094. State v. Terry.

Cuyahoga App. No. 111420, [2022-Ohio-4392](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0127. State v. Glaze.

Montgomery App. No. 29431, [2022-Ohio-4549](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Kennedy, C.J., and DeWine, J., dissent.

2023-0128. State v. Lovelace.

Cuyahoga App. No. 111510, [2022-Ohio-4514](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0129. State v. Rodgers.

Cuyahoga App. No. 111563, [2022-Ohio-4516](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0156. State v. Carter.

Logan App. No. 8-22-12, [2022-Ohio-4559](#).

Kennedy, C.J., and Stewart and Brunner, JJ., dissent.

2023-0235. State v. Bruce.

Hamilton App. No. C-220137. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Deters, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2022-1361. State v. Wilkes.

Stark App. No. 2022CA00095.

2022-1413. State v. Russell.

Franklin App. No. 03AP-666.

2022-1595. In re Guardianship of Pond.

Delaware App. No. 22 CAF 06 0045, [2022-Ohio-4023](#). Appellant's motion to strike all pleadings from McGee denied as moot. Appellant's motion to strike McGee's response in opposition denied as moot. Appellee Adriann S. McGee's "motion to strike appellant's motion to strike McGee's response in opposition" denied as moot. Appellee Adriann S. McGee's motion for sanctions denied.

Kennedy, C.J., and Fischer and Donnelly, JJ., would deny appellant's motions and appellee's motion to strike on the merits.

2022-1614. Cleveland v. Patton.

Cuyahoga App. No. 112047.

2023-0063. State v. Benedict.

Crawford App. No. 3-21-08, [2022-Ohio-3600](#).

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

2023-0068. State v. Midlam.

Highland App. No. 22CA7, [2023-Ohio-62](#).

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

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

2023-0072. Alessio v. United Airlines, Inc.

Cuyahoga App. No. 111449, [2022-Ohio-4510](#).

2023-0073. Fifth Third Bank, Natl. Assn. v. Hillman.

Delaware App. No. 22-CAE-06-0050, [2022-Ohio-4338](#).

2023-0076. McKinney v. LaMalfa Party Ctr.

Lake App. No. 2022-L-023, [2022-Ohio-4333](#).

Fischer, J., dissents.

2023-0078. State v. Shank.

Medina App. No. 22CA0067-M.

Donnelly, J., concurs because appellant's concerns are governed by App.R. 26(B), not App.R. 5(A).

2023-0085. State v. Wolters.

Guernsey App. No. 21CA000008, [2022-Ohio-538](#).

2023-0088. Davis v. 40 East, L.L.C.

Cuyahoga App. No. 111329, [2022-Ohio-4505](#).

Kennedy, C.J., and Fischer, J., dissent.

2023-0092. Korey v. Hunting Valley Planning & Zoning Commt.

Cuyahoga App. No. 111382, [2022-Ohio-4390](#).

2023-0097. Robinson v. Lorain Cty. Printing & Publishing Co.

Lorain App. No. 21CA011711, [2023-Ohio-3](#).

2023-0103. Carpenter v. Antero Resources Appalachian Corp.

Monroe App. No. 21 MO 0007, [2022-Ohio-4619](#).

2023-0104. State v. Kirby.

Butler App. No. CA2022-05-057, [2022-Ohio-4447](#).

2023-0107. Kotkowski-Paul v. Paul.

Portage App. No. 2021-P-0088, [2022-Ohio-4567](#).

Kennedy, C.J., dissents.

2023-0108. In re E.T.

Richland App. No. 22CA52. Appellee's "motion to strike appellant's brief or in the alternative, pose a new deadline for filing appellee's response" denied.

Kennedy, C.J., and DeWine and Brunner, JJ., would deny the motion as moot.

2023-0110. State v. Bridle.

Medina App. No. 21CA0061-M, [2023-Ohio-109](#).
Donnelly, J., dissents.

2023-0114. State v. Wisener.

Mahoning App. No. 22 MA 0025, [2022-Ohio-4557](#).
Brunner, J., dissents.

2023-0120. State v. Clinkscale.

Franklin App. No. 22AP-731.

2023-0131. State v. Dixon.

Franklin App. No. 21AP-152, [2022-Ohio-4532](#).

2023-0132. Midland Funding, L.L.C. v. Schwarzmer.

Cuyahoga App. No. 111357, [2022-Ohio-4506](#).
Kennedy, C.J., dissents.

2023-0140. State v. Travis.

Tuscarawas App. No. 2022 AP 08 0026, [2023-Ohio-33](#).

2023-0165. State v. Johnson.

Montgomery App. No. 29475, [2022-Ohio-4629](#).
Stewart and Brunner, JJ., dissent.

2023-0178. State v. Drane.

Montgomery App. No. 29317, [2022-Ohio-4624](#).

2023-0184. State v. Ulm.

Montgomery App. No. 29168, [2022-Ohio-4741](#).

2023-0187. State v. Snowden.

Montgomery App. No. 14107.

2023-0196. State v. Smith.

Defiance App. No. 4-21-10, [2022-Ohio-4687](#).

2023-0203. State v. Young.

Coshocton App. No. 21CA0028, [2022-Ohio-4726](#).

2023-0212. Goebel v. Hopkins.

Warren App. No. CA2022-06-042, [2022-Ohio-4718](#).

2023-0213. State v. Grad.

Medina App. No. 22CA0011-M, [2022-Ohio-4221](#).

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

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

Brunner, J., dissents.

2023-0217. Myers v. Vitanovic.

Delaware App. No. 22 CAF 02 0009, [2022-Ohio-4802](#).

Deters, J., dissents and would accept the appeal on proposition of law No. III.

2023-0219. State v. Marshall.

Franklin App. No. 20AP-402, [2022-Ohio-4693](#).

2023-0220. State v. Callaghan.

Summit App. No. 30483.

2023-0236. State v. Long.

Hamilton App. No. C-220164, [2023-Ohio-132](#).

Donnelly, J., dissents and would appoint counsel.

Fischer and Deters, JJ., not participating.

2023-0247. State v. Owens.

Mahoning App. No. 21 MA 0111, [2023-Ohio-113](#).

2023-0276. State v. Allen.

Scioto App. No. 21CA3969, [2023-Ohio-192](#).

RECONSIDERATION OF PRIOR DECISIONS

2022-1399. State v. Washington.

Miami App. No. 2020-CA-18, [2022-Ohio-1426](#). Reported at 169 Ohio St.3d 1423, 2023-Ohio-212, 201 N.E.3d 909. On motion for reconsideration. Motion denied.

2022-1525. State ex rel. Tingle v. Sandusky Police Dept.

In Mandamus. Reported at 169 Ohio St.3d 1436, 2023-Ohio-482, 203 N.E.3d 717.
On motion for reconsideration. Motion denied.

2022-1532. State ex rel. Tingle v. McGookey.

In Mandamus. Reported at 169 Ohio St.3d 1436, 2023-Ohio-482, 203 N.E.3d 719.
On motion for reconsideration. Motion denied.

2022-1540. State ex rel. Tingle v. Gross.

In Mandamus. Reported at 169 Ohio St.3d 1437, 2023-Ohio-482, 203 N.E.3d 719.
On motion for reconsideration. Motion denied.