

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 3, 2023

[Cite as *05/03/2023 Case Announcements, 2023-Ohio-1444.*]

MERIT DECISIONS WITH OPINIONS

2022-0927. *State ex rel. Howson v. Delaware Cty. Sheriff's Office*, Slip Opinion No. **2023-Ohio-1440**.

In Mandamus. Writ denied. Relator's requests for statutory damages, court costs, and attorney fees denied. Relator's motion to strike respondent's merit brief denied. Relator's motion and amended motion to supplement the motion to strike denied. Respondent's motion to strike denied as moot.

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

2022-1047. *State v. Bertram*, Slip Opinion No. **2023-Ohio-1456**.

Scioto App. No. 21CA3950, **2022-Ohio-2488**. Judgment reversed, appellant's burglary conviction and judicial sanction vacated, and cause remanded to the trial court.

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

MERIT DECISIONS WITHOUT OPINIONS

2022-1443. State ex rel. Hutchison v. DeWine.

In Mandamus. On motions to dismiss of respondents Newark Director of Law, ACLU, former Hamilton County Prosecuting Attorney Joseph T. Deters, Governor Mike DeWine et al., and Judge David Branstool. Motions granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

Deters, J., not participating.

2022-1496. State ex rel. Sultaana v. Ohio Health Marion Gen. Hosp.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2023-0007. State ex rel. Hutchison v. DeWine.

In Mandamus. On motions to dismiss of respondents Annette Chambers-Smith et al. and Governor Mike DeWine, Attorney General Dave Yost, and Senator Theresa Gavarone. Motions granted. Respondents Annette Chambers-Smith et al.'s motion to have relator declared a vexatious litigator granted. Relator, Randall Tyler Hutchison, found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, Randall Tyler Hutchison prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review. Relator's motion to object to claim relator is a vexatious litigator denied as moot. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, and Brunner, JJ., concur.

Donnelly, Stewart, and Deters, JJ., concur in part and dissent in part and would deny the motion to have relator declared a vexatious litigator.

2023-0137. State ex rel. Taylor v. Hess.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

Brunner, J., concurs and would also expressly note that the dismissal is without prejudice to refiling in the future, if necessary.

2023-0150. State ex rel. Mobley v. O'Malley.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

Fischer, DeWine, Donnelly, and Deters, JJ., concur.

Kennedy, C.J., and Stewart and Brunner, JJ., dissent and would issue an alternative writ.

2023-0155. Whitacre v. Ohio Atty. Gen.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motions to sanction respondent's counsel and motion to strike respondent's motion to dismiss denied as moot. Cause dismissed.

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

2023-0182. State ex rel. Tingler v. Dove.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2023-0223. State ex rel. Whitacre v. Office of the Chief Inspector.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2023-0226. Koeberer v. Mackey.

In Mandamus. On motions to dismiss of Robert E. Weir and Judge Jeffrey D. Mackey. Motions granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

2023-0228. State ex rel. Hillman v. Klatt.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2023-0234. State ex rel. Smith v. Hawkins.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Stewart, and Deters, JJ., concur. Donnelly and Brunner, JJ., dissent and would sua sponte dismiss the cause as moot.

2023-0238. State ex rel. Tingler v. Figlewicz.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2023-0239. State ex rel. Tingler v. Corbin.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2023-0240. State ex rel. Tingler v. Ohio Ethics Comm.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2023-0304. Justice v. Young

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's emergency petition to stay trial, request to produce and file transcripts of proceedings at state expense, notice of demand for production of documents, petition for emergency stay of sentence, petition for release from detention, and petition for order to produce and convey case records denied as moot. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2021-1482. State ex rel. Ware v. Wine.

In Mandamus. On relator's motion for a court order to order respondents to pay relator his court costs and security deposit. Motion denied.

Brunner, J., would deny the motion as moot because respondents are already responsible for the costs of this action, *see* __ Ohio St.3d __, 2022-Ohio-4472, __ N.E.3d __, ¶ 17.

2022-1400. State ex rel. Evans v. Olentangy 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. Sua sponte, respondents ordered to submit unredacted copies of the records at issue under seal for in camera inspection.

2022-1401. State ex rel. Evans v. Olentangy 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.

2023-0176. State ex rel. Ware v. Kurt.

In Mandamus. On respondent's motion to dismiss. 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, relator 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 relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

Fischer and Deters, JJ., dissent.

Brunner, J., dissents and would sua sponte dismiss the cause as moot.

2023-0264. State v. McFarland.

Cuyahoga App. No. 111390, [2022-Ohio-4638](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Fischer and Deters, JJ., dissent.

Stewart, J., not participating.

2023-0301. State ex rel. Rapier v. Stark Cty. Clerk's Office.

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.

Fischer and Brunner, JJ., dissent and would sua sponte dismiss the cause.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0166. Everhart v. Merrick Mfg. II, L.L.C.

Montgomery App. No. 29520, [2022-Ohio-4626](#).

Kennedy, C.J., dissents.

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

2023-0195. BECDIR Constr. Co. v. Lorain Cty. Bd. of Commrs.

Lorain App. No. 21CA011766, [2022-Ohio-4762](#).

Brunner, J., dissents.

2023-0214. Black v. Ohio Bd. of Nursing.

Franklin App. No. 22AP-218, [2022-Ohio-4782](#).

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