

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 9, 2023

[Cite as *05/09/2023 Case Announcements, 2023-Ohio-1507.*]

MERIT DECISIONS WITHOUT OPINIONS

2023-0394. Sheppard v. Perry Cty. Common Pleas Court.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2023-0428. Karmasu v. DiMarco.

In Habeas Corpus. Petitioner's motion to file original pro se action out of S.Ct.Prac.R. 3.09. Motion granted. Sua sponte, cause dismissed.

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

Brunner, J., concurs in part and dissents in part and would deny the motion as moot.

MOTION AND PROCEDURAL RULINGS

2023-0334. State v. Beasley.

Summit C.P. No. CR-2012-01-0169-A. On motion for leave to file delayed appeal. Motion granted. The parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

DeWine and Deters, JJ., dissent.

2023-0340. State v. Twiley.

Jefferson App. No. 21 JE 0007, [2022-Ohio-4751](#). 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 DeWine and Deters, JJ., dissent.

2023-0342. State v. Holley.

Lake App. No. 2022-L-022, [2022-Ohio-4465](#). On motion for leave to file delayed appeal. Motion denied.

Fischer, Donnelly, and Stewart, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2023-0255. Sherwin-Williams Co. v. Certain Underwriters at Lloyd's London.

Cuyahoga App. No. 110187, [2022-Ohio-3031](#).

Fischer, J., dissents.

2023-0277. State v. Graves.

Cuyahoga App. No. 111348, [2023-Ohio-84](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0278. State v. White.

Cuyahoga App. No. 111442, [2023-Ohio-73](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0281. State v. Howard.

Cuyahoga App. No. 111496, [2023-Ohio-74](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0377. State v. Murray.

Cuyahoga App. No. 111546, [2023-Ohio-310](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0380. State v. Jordan.

Cuyahoga App. No. 111547, [2023-Ohio-311](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

APPEALS NOT ACCEPTED FOR REVIEW

2022-1474. State v. McConnell.

Muskingum App. No. CT 2021-0063, [2022-Ohio-2902](#).

Donnelly, J., dissents and would appoint counsel.

2022-1594. State v. Marcum.

Montgomery App. No. 29300, [2022-Ohio-3576](#).

2022-1617. State v. Springs.

Clark App. No. 2022-CA-19, [2022-Ohio-3761](#).

2023-0014. State v. O’Berry.

Montgomery App. No. 29566.

2023-0071. Shury v. Cusato.

Cuyahoga App. No. 111228, [2022-Ohio-4401](#). Appeal and cross-appeal not accepted.

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

Donnelly, J., would accept the appeal.

2023-0233. Mangelluzzi v. Mangelluzzi.

Cuyahoga App. No. 112414.

2023-0241. Miller v. Johnson.

Cuyahoga App. No. 111526.

2023-0243. Peled v. Peled.

Franklin App. No. 22AP-346, [2023-Ohio-52](#).

2023-0257. C.L. v. Weiler.

Cuyahoga App. No. 111474, [2023-Ohio-13](#).

2023-0259. Workman v. Warden.

Pickaway App. No. 22CA25.

2023-0260. State v. Buchanan.

Union App. No. 14-22-09, [2023-Ohio-125](#).

Fischer, J., dissents.

2023-0261. In re R.S.

Butler App. No. CA2022-01-008, [2023-Ohio-45](#).
Donnelly and Brunner, JJ., dissent.

2023-0265. Jones v. Russell.

Portage App. No. 2022-P-0076, [2023-Ohio-351](#).

2023-0266. In re Webb Trust.

Allen App. No. 01-22-38.
Brunner, J., dissents.

2023-0271. State v. Johnson.

Cuyahoga App. No. 110673, [2023-Ohio-80](#).

2023-0285. Smith v. Anderson.

Lucas App. No. L-22-1081, [2023-Ohio-108](#).

2023-0286. ILS Lending, L.L.C. v. B&B Gen. Contracting, L.L.P.

Franklin App. No. 23AP-17.

2023-0287. State v. Leigh.

Montgomery App. No. 28821, [2023-Ohio-91](#).
Stewart and Brunner, JJ., dissent.

2023-0291. State v. Dudas.

Cuyahoga App. No. 110573, [2023-Ohio-366](#).

2023-0312. State v. Jenkins.

Cuyahoga App. No. 109421, [2022-Ohio-297](#).

Brunner, J., dissents and would remand the cause and order the court of appeals to consider the impact of *State v. Bourn*, __ Ohio St.3d __, 2022-Ohio-4321, __ N.E.3d __, on remand.

2023-0319. State v. Casey.

Trumbull App. No. 2021-T-0029, [2022-Ohio-2199](#).
DeWine, J., dissents.

2023-0320. Wilhelms v. ProMedica Health Sys., Inc.

Lucas App. No. L-22-1085, [2023-Ohio-143](#).

Fischer, J., dissents and would accept the appeal on the first proposition of law of appellants ProMedica Health System, Inc., et al.

Stewart, J., dissents.

2023-0343. Chartier v. Rice Drilling D., L.L.C.

Belmont App. No. 21 BE 0046, [2023-Ohio-272](#).

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

2023-0366. State v. Jury.

Erie App. No. E-22-005, [2022-Ohio-4419](#).

2023-0378. State v. Hillman.

Franklin App. No. 22AP-741. Appellant's request for order that Kimberly Bond be replaced as representative for the state denied.

Brunner, J., would deny the request as moot.

2023-0421. State v. Gamble.

Franklin App. No. 22AP-584, [2023-Ohio-843](#).

RECONSIDERATION OF PRIOR DECISIONS

2022-1507. State v. Lane.

Allen App. No. 1-21-33, [2022-Ohio-3775](#). Reported at 169 Ohio St.3d 1443, 2023-Ohio-554, 203 N.E.3d 737. On motion for reconsideration. Motion denied.

2022-1524. State v. Sutherland.

Darke App. No. 2021-CA-16, [2022-Ohio-3079](#). Reported at 169 Ohio St.3d 1444, 2023-Ohio-554, 203 N.E.3d 738. On motion for reconsideration. Motion denied.

2022-1556. Dye v. J.J. Detweiler Ents., Inc.

Stark App. No. 2022 CA 00012, [2022-Ohio-3250](#). Reported at 169 Ohio St.3d 1444, 2023-Ohio-554, 203 N.E.3d 740. On motion for reconsideration. Motion denied.