

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 23, 2023

[Cite as *05/23/2023 Case Announcements, 2023-Ohio-1665.*]

MERIT DECISIONS WITHOUT OPINIONS

2023-0429. Gray v. Foley.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2023-0481. Jemison v. Borcsh.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2023-0371. State v. McComb.

Montgomery App. No. 29083. On motion for leave to file delayed appeal. Motion denied.

Kennedy, C.J., and Donnelly, J., dissent.

2023-0403. State v. Bell.

Medina App. No. 21CA0052-M, [2023-Ohio-277](#). 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 Deters, J., dissent.

2023-0414. State v. Eaton.

Lucas App. No. L-21-1121, [2022-Ohio-2432](#). On motion for leave to file delayed appeal. Motion denied.

Donnelly, J., dissents.

2023-0419. State v. White.

Preble App. No. CA2021-12-018, [2022-Ohio-1707](#). On motion for leave to file delayed appeal. Motion denied. Appellee's motion to dismiss denied as moot.

Kennedy, C.J., would deny the motion to dismiss on the merits.

Donnelly, J., dissents and would grant the motion for leave and would deny the motion to dismiss on the merits.

2023-0443. State v. Gardner.

Cuyahoga App. No. 111506, [2023-Ohio-307](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Deters, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2023-0230. Estate of Tomlinson v. Mega Pool Warehouse, Inc.

Delaware App. No. 22 CAE 03 0020, [2023-Ohio-229](#). Appeal accepted on proposition of law No. III.

Fischer, DeWine, and Stewart, JJ., would accept the appeal on all propositions of law.

Kennedy, C.J., and Deters, J., dissent.

2023-0322. State v. Roberts.

Lucas App. No. L-20-1171, [2023-Ohio-142](#). Appeal accepted on proposition of law No. IV. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

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

2023-0352. Stull v. Summa Health Sys.

Summit App. No. 29969.

Kennedy, C.J., and Donnelly, J., dissent.

2023-0356. State v. Fork.

Sandusky App. No. S-21-022, [2023-Ohio-242](#).
Fischer, Stewart, and Deters, JJ., dissent.

2023-0392. State v. Thomas.

Cuyahoga App. No. 111425, [2023-Ohio-302](#). Appeal accepted on proposition of law Nos. III through VII. Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.
Kennedy, C.J., dissents.

2023-0460. State v. Potter.

Cuyahoga App. No. 111782, [2023-Ohio-534](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0115. State v. Hutton.

Cuyahoga App. No. 111432.

2023-0305. State v. Aniton.

Cuyahoga App. No. 102440.

2023-0306. State v. Benton.

Hamilton App. No. C-210476
Deters, J., not participating.

2023-0315. State v. Feagin.

Richland App. No. 2021 CA 0084, [2022-Ohio-3641](#).

2023-0318. State v. Morton.

Cuyahoga App. No. 110946, [2022-Ohio-2358](#).

2023-0321. In re A.P.

Franklin App. No. 22AP-62, [2022-Ohio-4295](#).

2023-0324. State v. Brown.

Stark App. No. 2022CA00137.

2023-0327. Armatas v. Aultman Hosp.
Stark App. No. 2021 CA 00133, [2022-Ohio-4577](#).

2023-0328. State ex rel. Slacas v. KCI Technologies, Inc.
Portage App. No. 2022-P-0012, [2022-Ohio-4573](#).
Kennedy, C.J., dissents.

2023-0335. State v. Qualls.
Meigs App. No. 22CA11.

2023-0338. Russo v. Gissinger.
Summit App. No. 29881, [2023-Ohio-200](#).
Brunner, J., dissents and would accept the appeal on proposition of law No. I.

2023-0341. State v. Gray.
Cuyahoga App. No. 111263, [2023-Ohio-215](#).

2023-0344. Campbell v. Campbell.
Franklin App. No. 23AP-11. Appellant's motion for leave to proceed as a vexatious litigator denied.
DeWine and Stewart, JJ., would deny the motion as moot.
Brunner, J., would not rule on the motion since appellant has not been declared a vexatious litigator in this court.

2023-0345. Sovereign Empire, L.L.C. v. Akron.
Summit App. No. 30186, [2023-Ohio-201](#).

2023-0347. Eagle Realty Invests., Inc. v. Dumon.
Hamilton App. No. C-220087, [2022-Ohio-4106](#).

2023-0348. Eagle Realty Invests., Inc. v. Dumon.
Hamilton App. Nos. C-220087, C-220109, and C-220111, [2022-Ohio-4106](#).

2023-0350. Eagle Realty Invests., Inc. v. Dumon.
Hamilton App. No. C-220111, [2022-Ohio-4106](#).

2023-0351. Carter v. Univ. Park Dev. Corp.
Summit App. Nos. 30035 and 30180, [2022-Ohio-3462](#).

2023-0353. State v. Grondin.

Lorain App. No. 21CA011763, [2022-Ohio-3366](#).

2023-0355. DeVaughn v. Northeast Ohio Corr. Ctr.

Mahoning App. No. 23 MA 0009.

Kennedy, C.J., dissents.

2023-0358. Plishka v. Skurla.

Cuyahoga App. No. 111122, [2022-Ohio-4744](#).

Fischer, Brunner, and Deters, JJ., dissent and would accept the appeal on proposition of law No. I.

2023-0359. Davis v. Yuspeh.

Cuyahoga App. No. 111575, [2023-Ohio-219](#).

Brunner, J., dissents.

2023-0360. In re G.Y.

Mercer App. No. 10-22-05, [2022-Ohio-4560](#).

2023-0367. Cleveland v. Toth.

Cuyahoga App. No. 111934, [2023-Ohio-315](#).

2023-0374. State v. Cole.

Cuyahoga App. Nos. 103187 through 103190, [2016-Ohio-2936](#).

2023-0397. State v. Barnes.

Trumbull App. No. 2022-T-0061, [2023-Ohio-353](#).

2023-0404. Cunning v. Windsor House, Inc.

Trumbull App. Nos. 2022-TR-0021 and 2022-TR-0050.

DeWine, J., dissents.

2023-0427. State v. Johnson.

Mahoning App. No. 22 MA 0096, [2023-Ohio-918](#).

Donnelly, J., dissents and would accept the appeal on proposition of law No. I and would appoint counsel.

2023-0459. State v. Moore.

Erie App. No. E-21-041, [2022-Ohio-3504](#).

RECONSIDERATION OF PRIOR DECISIONS

2022-1543. Wisehart v. Wisehart.

Preble App. No. CA2022-05-006, [2022-Ohio-3774](#). Reported at 169 Ohio St.3d 1474, 2023-Ohio-921, 205 N.E.3d 557. On motion for reconsideration and memorandum of law. Motion denied.

2022-1636. Woodgeard v. Heavlin.

Stark App. Nos. 2022CA00118 and 2022CA00119. Reported at 169 Ohio St.3d 1458, 2023-Ohio-758, 204 N.E.3d 566. On motion for reconsideration. Motion denied.

2023-0008. Burrell-El v. Duke Energy Ohio, Inc.

Public Utilities Commission, No. 21-298-GA-CSS. Reported at 169 Ohio St.3d 1466, 2023-Ohio-773, 205 N.E.3d 547. On motion for reconsideration. Motion denied. Appellant's motion for a response and motion for default judgment and summary judgment denied.

Deters, J., not participating.

2023-0112. State v. Godfrey.

Licking App. No. 2022-CA-00036, [2023-Ohio-20](#). Reported at 169 Ohio St.3d 1459, 2023-Ohio-758, 204 N.E.3d 572. On motion for reconsideration. Motion denied.