

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 18, 2023

[Cite as *07/18/2023 Case Announcements, 2023-Ohio-2407.*]

MERIT DECISIONS WITHOUT OPINIONS

2023-0689. Tate v. Ghiz.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2023-0650. State v. White.

Cuyahoga App. No. 110452, [2022-Ohio-2130](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Donnelly and Deters, JJ., dissent.

2023-0651. State v. Graham.

Mahoning App. No. 21 MA 0060, [2023-Ohio-1453](#). On motion for leave to file delayed appeal. Motion denied.

Donnelly and Stewart, JJ., dissent.

2023-0674. State v. Wilson.

Licking App. No. 22 CA 00024, [2023-Ohio-419](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine, J., dissents.

2023-0677. State v. Wood.

Perry App. No. 22-CA-00002, [2022-Ohio-3536](#). On motion for leave to file delayed appeal. Motion denied.

Fischer and Stewart, JJ., dissent.

2023-0691. State v. Austin.

Hardin App. No. 6-22-15. On motion for leave to file delayed appeal. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2023-0272. State v. Rogers.

Erie App. Nos. E-21-027 and E-21-031, [2022-Ohio-4126](#). 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, J., dissent.

2023-0552. Rossi v. Atrium Med. Ctr.

Warren App. No. CA2022-05-027, [2023-Ohio-984](#). Appeal accepted on proposition of law No. II. Sua sponte, cause held for the decision in 2022-0407 and 2022-0424, *Everhart v. Coshocton Cty. Mem. Hosp.*

Kennedy, C.J., and Donnelly and Stewart, JJ., would accept the appeal on both propositions of law.

Fischer and DeWine, JJ., dissent.

2023-0559. Harmon v. Cincinnati.

Hamilton App. No. C-220236, [2023-Ohio-788](#).

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

2023-0565. State v. Dotson.

Cuyahoga App. No. 111880, [2023-Ohio-821](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

2023-0572. State v. Jones.

Hamilton App. No. C-220007, [2023-Ohio-844](#).

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

2023-0580. Hicks v. Union Twp.

Clermont App. No. CA2022-10-057, [2023-Ohio-874](#).

Fischer, DeWine, and Stewart, JJ., dissent.

2023-0592. Burch v. Ohio Farmers Ins. Co.

Delaware App. No. 22 CAE 04 0029, [2023-Ohio-912](#).

Fischer and Brunner, JJ., would accept the appeal on proposition of law Nos. I and II only.

2023-0604. State v. Taylor.

Cuyahoga App. No. 111694, [2023-Ohio-928](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Fischer and Brunner, JJ., dissent.

2023-0622. State v. Riggins.

Cuyahoga App. No. 111773, [2023-Ohio-1043](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

Fischer, J., dissents.

2023-0684. State v. Freshwater.

Lake App. No. 2022-L-071, [2023-Ohio-1248](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0558. Sanders v. Renaissance Restoration, Ltd.

Cuyahoga App. No. 112318.

Kennedy, C.J., dissents.

2023-0560. State v. McClure.

Muskingum App. No. CT2022-0048, [2023-Ohio-827](#).

Donnelly, J., dissents.

2023-0561. State v. McClure.

Muskingum App. No. CT2022-0049, [2023-Ohio-828](#).

Donnelly, J., dissents.

2023-0564. Van De Hey v. Ashtabula Cty. Aud.

Ashtabula App. No. 2021-A-0038, [2023-Ohio-346](#).

2023-0573. Silveous v. 5 Starr Salon & Spa, L.L.C.

Franklin App. No. 22AP-456, [2023-Ohio-841](#).

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

2023-0574. State v. Penland.

Cuyahoga App. No. 111531, [2023-Ohio-806](#).

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

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

2023-0575. Phillips v. Fetherolf.

Union App. No. 14-23-07.

2023-0576. State v. Wilson.

Muskingum App. No. CT2022-0042, [2023-Ohio-830](#).

2023-0578. Horn v. Cherian.

Cuyahoga App. No. 111821, [2023-Ohio-931](#).

2023-0586. Cincinnati v. Fourth Natl. Realty, L.L.C.

Hamilton App. No. C-220209, [2023-Ohio-1012](#).

Fischer, J., not participating.

2023-0589. State v. Tebelman.

Putnam App. No. 12-22-04, [2023-Ohio-882](#).

Brunner, J., dissents and would accept the appeal on proposition of law Nos. II and III.

2023-0590. Dudar v. Citizen Bank, N.A.

Lucas App. No. L-22-1157.

2023-0594. State v. Anderson.

Monroe App. No. 22 MO 0001, [2023-Ohio-1695](#). Pro se motion to strike attorney Michael A. Partlow’s notice of appeal and memorandum in support of jurisdiction and to reinstate appellant’s filed notice of appeal and memorandum in support of jurisdiction pro se denied.

DeWine, J., would grant the request to strike and would allow Partlow to ask for leave to file a delayed appeal.

Donnelly and Deters, JJ., would deny the motion as moot.

Stewart and Brunner, JJ., would grant the motion.

2023-0600. Helms v. Diefendorf.

Summit App. No. 30064, [2023-Ohio-911](#).

2023-0606. State v. Gates.

Hamilton App. No. C-230069.

2023-0609. State v. Gregory.

Lucas App. Nos. L-21-1106 and L-21-1107, [2023-Ohio-331](#).

2023-0616. State v. O’Neil.

Portage App. No. 2022-P-0030.

2023-0628. State v. Moore.

Mahoning App. No. 22 MA 0013, [2023-Ohio-1000](#).

2023-0655. State v. Gibson.

Hamilton App. No. C-220176, [2023-Ohio-1154](#).

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

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

2023-0705. State v. Meyer.

Ashland App. No. 22-COA-035, [2023-Ohio-1254](#).

RECONSIDERATION OF PRIOR DECISIONS

2023-0134. State ex rel. Garcia v. Baldwin.

Franklin App. No. 22AP-91, [2022-Ohio-4534](#). Reported at __ Ohio St.3d __, 2023-Ohio-1636, __ N.E.3d __. On motion for reconsideration. Motion denied.

2023-0241. Miller v. Johnson.

Cuyahoga App. No. 111526. Reported at 170 Ohio St.3d 1419, 2023-Ohio-1507, 208 N.E.3d 852. On motion for reconsideration. Motion denied.

2023-0319. State v. Casey.

Trumbull App. No. 2021-T-0029, [2022-Ohio-2199](#). Reported at 170 Ohio St.3d 1420, 2023-Ohio-1507, 208 N.E.3d 855. On motion for reconsideration. Motion denied.

DeWine, J., dissents.

2023-0368. State v. Christian.

Auglaize App. No. 2-21-14. Reported at 170 Ohio St.3d 1425, 2023-Oho-1635, 209 N.E.3d 709. On motion for reconsideration. Motion denied.

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

2023-0378. State v. Hillman.

Franklin App. No. 22AP-741. Reported at 170 Ohio St.3d 1420, 2023-Ohio-1507, 208 N.E.3d 856. On motion for reconsideration. Motion denied.

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

Trumbull App. Nos. 2022-TR-0021 and 2022-TR-0050. Reported at 170 Ohio St.3d 1430, 2023-Ohio-1665, 209 N.E.3d 721. On motion for reconsideration. Motion denied.

DeWine, J., dissents.