

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 26, 2023

[Cite as *09/26/2023 Case Announcements*, 2023-Ohio-3328.]

MERIT DECISIONS WITHOUT OPINIONS

2023-1031. Epling v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2023-1083. In re Blodharn.

In Habeas Corpus. Sua sponte, writ allowed. Allowing the writ means only that a return is ordered. *See Reed v. Kinkela*, 84 Ohio St.3d 1427, 702 N.E.2d 903 (1998); *Hernandez v. Kelly*, 107 Ohio St.3d 1430, 2005-Ohio-6400, 838 N.E.2d 670. Respondent shall file a return of writ within 21 days of the date of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court is not required.

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

Fischer, J., dissents and would sua sponte dismiss the cause.

2023-1112. State ex rel. Louis v. Forshey.

In Habeas Corpus. Sua sponte, writ allowed. Allowing the writ means only that a return is ordered. *See Reed v. Kinkela*, 84 Ohio St.3d 1427, 702 N.E.2d 903 (1998); *Hernandez v. Kelly*, 107 Ohio St.3d 1430, 2005-Ohio-6400, 838 N.E.2d 670. Respondent shall file a return of writ within 21 days of the date of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court is not required.

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

Deters, J., not participating.

MOTION AND PROCEDURAL RULINGS

2023-0935. State v. Clemmons.

Montgomery App. No. 29638, [2023-Ohio-1832](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

DeWine, Brunner, and Deters, JJ., dissent.

2023-0956. State v. Burton.

Lucas App. No. L-22-1105, [2023-Ohio-1596](#). 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.

2023-0960. State v. McCleery.

Trumbull App. No. 2021-T-0024, [2022-Ohio-263](#). On motion for leave to file delayed appeal. Motion denied.

2023-0962. State v. Sturgill.

Ashland App. No. 22-COA-011, [2022-Ohio-4574](#). On motion for leave to file delayed appeal. Motion denied.

Fischer and Stewart, JJ., dissent.

2023-0963. State v. Anderson.

Monroe App. No. 22 MO 0001, [2023-Ohio-945](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Fischer, Brunner, and Deters, JJ., dissent.

2023-0971. State v. Burgos-Delgado.

Cuyahoga App. No. 111992, [2023-Ohio-1817](#). On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

2023-0972. State v. Quinn.

Lucas App. No. L-22-1135, [2023-Ohio-1300](#). 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.

2023-0983. State v. Arnold.

Hamilton App. No. C-220253, [2023-Ohio-1639](#). 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., dissents.

Deters, J., not participating.

2023-0986. State v. Haywood.

Columbiana App. No. 21 CO 0035, [2023-Ohio-1121](#). 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 Deters, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0640. State v. Obhof.

Ashtabula App. No. 2021-A-0021, [2023-Ohio-408](#).

2023-0854. Welton v. Barger.

Hancock App. No. 5-22-30, [2023-Ohio-1707](#).

2023-0859. State v. Tamas.

Ashtabula App. No. 2022-A-0070, [2023-Ohio-1710](#).

2023-0861. Schultz v. Schultz.

Portage App. No. 2022-P-0049, [2023-Ohio-1712](#).

2023-0863. State v. Hollingshead.
Muskingum App. No. CT2022-0031, [2023-Ohio-1714](#).

2023-0866. State v. Colon.
Cuyahoga App. No. 112716.

2023-0867. State v. Mendonca.
Brown App. No. CA2022-08-007, [2023-Ohio-1780](#).
Stewart, J., dissents.

2023-0869. Wilson v. Wilson.
Cuyahoga App. No. 112105, [2023-Ohio-1752](#).

2023-0870. Moore v. Ohio Parole Bd.
Franklin App. No. 22AP-592.
Donnelly, J., dissents.

2023-0874. State v. Lowe.
Cuyahoga App. No. 111596, [2023-Ohio-1747](#).

2023-0876. In re M.A.G.
Fairfield App. No. 2022 CA 0032, [2023-Ohio-1756](#).

2023-0877. State v. Philpotts.
Cuyahoga App. No. 110607, [2023-Ohio-1810](#).

2023-0883. State v. Shields.
Hamilton App. Nos. C-230222 and C-230223.
Deters, J., not participating.

2023-0897. Boucher v. Cleveland.
Cuyahoga App. No. 112079, [2023-Ohio-1818](#).

2023-0898. Stueber v. Ohio Turnpike & Infrastructure Comm.
Cuyahoga App. No. 111877, [2023-Ohio-1813](#).
Donnelly, J., not participating.

2023-0901. In re D.C.
Cuyahoga App. No. 111418, [2023-Ohio-4086](#).
Kennedy, C.J., and Fischer, J., dissent.

2023-0910. In re G.T.

Franklin App. Nos. 22AP-287, 22AP-289, 22AP-291, and 22AP-298.

2023-0912. In re Guardianship of Whitmer.

Summit App. No. 30252, [2023-Ohio-1084](#). Appellee's motion to dismiss appeal granted.

Kennedy, C.J., and Deters, J., would deny the motion as moot.

2023-0914. JPMorgan Chase Bank v. Loseke.

Cuyahoga App. No. 111983, [2023-Ohio-1893](#).

2023-0915. Pelham v. Mtge. Information Servs., Inc.

Cuyahoga App. No. 112090.

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

2023-0932. In re O.E.

Lake App. No. 2022-L-049, [2023-Ohio-1946](#).

2023-0941. State v. Stafford.

Cuyahoga App. No. 111989, [2023-Ohio-2062](#).

2023-0950. State v. McClellan.

Summit App. No. 30304, [2023-Ohio-2152](#).

2023-0952. Wallace Equine Services, L.L.C. v. J. Arnold Property Mgt. Group, L.L.C.

Mahoning App. No. 22 MA 0035, [2023-Ohio-1498](#).

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

2023-0961. State v. Barnette.

Mahoning App. No. 22 MA 0076, [2023-Ohio-2377](#).

2023-0966. Curry v. Mansfield.

Richland App. No. 23CA08. Appellant's motion to overturn decision denied.

2023-0970. State v. Messenheimer.

Mahoning App. No. 22 MA 0037, [2023-Ohio-2376](#).

2023-0981. State v. Neal.

Hamilton App. No. C210166, [2022-Ohio-1290](#).

Deters, J., not participating.

2023-0984. State v. Brentley.

Allen App. No. 1-22-61, [2023-Ohio-2530](#).

2023-0988. State v. Cruse.

Summit App. No. 30243, [2023-Ohio-2147](#).

2023-0991. State v. Gordon.

Franklin App. No. 23AP-07, [2023-Ohio-2314](#).

RECONSIDERATION OF PRIOR DECISIONS

2022-0733. State v. Jordan.

Scioto App. No. 20CA3936, [2022-Ohio-1480](#). Reported at __ Ohio St.3d __, 2023-Ohio-2666, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

2022-0734. State v. Johnson.

Scioto App. No. 20CA3935, [2023-Ohio-1479](#). Reported at __ Ohio St.3d __, 2023-Ohio-2666, __ N.E.3d __. On motion for reconsideration. Motion denied.

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

2023-0522. State v. Beasley.

Lake App. No. 2022-L-040, [2023-Ohio-670](#). Reported at 170 Ohio St.3d 1503, 2023-Ohio-2627, 213 N.E.3d 707. On motion for reconsideration. Motion denied.

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

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

Franklin App. No. 22AP-456, [2023-Ohio-841](#). Reported at 170 Ohio St.3d 1493, 2023-Ohio-2407, 212 N.E.3d 954. On motion for reconsideration. Motion denied.

DISCIPLINARY CASES

2023-0980. Disciplinary Counsel v. Price.

On Certified Report by the Board of Professional Conduct, No. 2023-004. William Evan Price II, Attorney Registration No. 0056134, last known business address in Columbus, Ohio, suspended from the practice of law in Ohio for two years, stayed on the condition that he engage in no further misconduct.

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

Fischer and Deters, JJ., dissent and would remand the matter to the board.